

Technical Appendices - Volume III  
(Response to Comments)

to the

Draft Environmental Impact Report

for the Proposed

Sycamore Landfill Master Plan

Project No. 5617  
SCH No. 2003041057

September 2008

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Technical Appendices - Volume III  
(Response to Comments)

to the

Final  
Environmental Impact Report

for the Proposed

Sycamore Landfill Master Plan

Project No. 56/7

SCH No. 2003041057

prepared for:

City of San Diego

Development Services Department

1222 First Avenue

San Diego, CA 92101

prepared by:

BRG Consulting, Inc.

304 Ivy Street

San Diego, CA 92101-2030

September 2008

600002

## Response to Comments

The Draft EIR for the Sycamore Landfill Master Plan project was circulated for public review and comment between February 20, 2008 and April 7, 2008. The following agencies, organizations, and persons provided written comments on the Draft EIR during public review. A copy of each comment letter along with corresponding responses is included in a "side by side" format to facilitate review. The specific comments and the corresponding responses have each been given a numeric reference.

Letter No.	Author	Address	Date	Representing	Page No. of Letter
<b>Federal/State</b>					
F1	C.L. Thornton	P.O. Box 452001 San Diego, CA 92145-2001	March 12, 2008	United States Marine Corps Marine Corps Air Station	RTC-1
F2	Therese O'Rourke/ Stephen M. Juarez	6010 Hidden Valley Road Carlsbad, CA 92011/ 4949 Viewridge Avenue San Diego, CA 92123	April 10, 2008	U.S. Fish and Wildlife Service Carlsbad Fish and Wildlife Office/ California Department of Fish and Game -South Coast Region	RTC-6
<b>State</b>					
S1	Raymond M. Seamans	1001 I Street Sacramento CA 95814	March 25, 2008	California Integrated Waste Management Board	RTC-23
S2	Scott Morgan	1400 10 <sup>th</sup> Street P.O. Box 3044 Sacramento, CA 95812-3044	March 24, 2008	State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	RTC-32
S3	Dave Singleton	915 Capitol Mall, Room 364 Sacramento, CA 95814	March 10, 2008	Native American Heritage Commission	RTC-36
S4	Greg Holmes	5796 Corporate Avenue Cypress, CA 90630	April 8, 2008	Department of Toxic Substances Control	RTC-40
S5	Jacob Armstrong	4050 Taylor Street San Diego, CA 92110	April 4, 2008	Department of Transportation (CalTrans), District 11	RTC-46
S5A	Jacob Armstrong	4050 Taylor Street San Diego, CA 92110	May 9, 2008	Department of Transportation (CalTrans), District 11	RTC-56
S6	Terry Roberts	1400 10 <sup>th</sup> Street P.O. Box 3044 Sacramento, CA 95812-3044	April 8, 2008	State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	RTC-60
S7	Terry Roberts	1400 10 <sup>th</sup> Street P.O. Box 3044 Sacramento, CA 95812-3044	April 11, 2008	State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	RTC-73

## Response to Comments (cont'd.)

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Letter No.	Author	Address	Date	Representing	Page No. of Letter
<b>Local</b>					
L1	Travis Cleveland	401 B Street, 7 <sup>th</sup> Floor San Diego, CA 92101	April 7, 2008	San Diego Association of Governments (SANDAG)	RTC-83
L2	Robert Reider	10124 Old Grove Road San Diego, CA 92131	April 7, 2008	San Diego County Air Pollution Control District	RTC-87
L3	Douglas S. Wilson	9300 Fanita Parkway Santee, CA 92071	April 3, 2008	Padre Dam Municipal Water District	RTC-90
L4	Gary Halbert P.E., AICP	10601 Magnolia Avenue Santee, CA 92071	April 4, 2008	City of Santee	RTC-96
L5	Lisbeth A Johnson, Ed.D.	9625 Cuyamaca Street Santee, CA 92071-2674	July 21, 2008	Santee School District	RTC-159
<b>Quasi-Governmental Organizations and Individuals</b>					
Q1	Richard Anthony	No Address Provided	March 17, 2008	Citizens Advisory Committee Local Task Force Integrated Waste Management	RTC-163
<b>Non-Governmental Organizations and Individuals</b>					
N1	James W. Royle, Jr.	P.O. Box 81106 San Diego, CA 92138	March 10, 2008	San Diego County Archaeological Society, Inc.	RTC-164
N2	Carrie Schneider	P.O. Box 121390 San Diego, CA 92112-1390	April 7, 2008	California Native Plant Society	RTC-165
N3	Felix M. Tinkov, Esq., John W. Witt, Esq., Ken H. Lounsbery, Esq.	110 West 'A' Street, Suite 750 San Diego, CA 92101-3532	April 6, 2008	Lounsbery, Ferguson, Altona, & Peak, LLP, Attorneys at Law	RTC-167
N3A	Felix M. Tinkov, Esq., John W. Witt, Esq., Ken H. Lounsbery, Esq.	110 West 'A' Street, Suite 750 San Diego, CA 92101-3532	July 3, 2008	Lounsbery, Ferguson, Altona, & Peak, LLP, Attorneys at Law	RTC-238
N4	Bob Allan, Trustee	1731 Colgate Circle La Jolla, CA 92037	April 7, 2008	Trust "B", UDT 7/17/03	RTC-267
N5	Van K. Collinsworth John Thomas Tom Walters	9222 Lake Canyon Road Santee, CA 92071	April 3, 2008	Preserve Wild Santee	RTC-292

## Response to Comments (cont'd.)

Letter No.	Author	Address	Date	Representing	Page No. of Letter
N6	Robin Rierdan	9232 Lapeer Court Santee, CA 92071	No Date	Santee Resident	RTC-313
N7	Kenneth W. Decker	9738 Settle Road Santee, CA 92071	April 6, 2008	Santee Resident	RTC-316
N8	Tom Walters	10402 Strathmore Drive Santee, CA 92071	April 6, 2008	Santee Resident	RTC-319
N9	Jeffrey A. Chine	600 West Broadway, Suite 2600 San Diego, CA 92101	April 4, 2008	Luce, Forward, Hamilton & Scripps, LLP Attorneys at Law	RTC-321
N10	Dashiell S. Meeks, AICP	8315 Century Park Court CP21E San Diego, CA 92123	June 6, 2008	San Diego Gas & Electric (SDG&E)	RTC-324
N11	Marianne Lamoureux	No Address Provided	March 31, 2008	Santee Resident	RTC-326
N12	Donald Lee	No Address Provided	April 1, 2008	Santee Resident	RTC-328
N13	Lyn Dyer	No Address Provided	March 30, 2008	Santee Resident	RTC-329
N14	Kim Rones	No Address Provided	March 30, 2008	Santee Resident	RTC-330
N15	Jay Scovie	9342 Lake Country Drive Santee, CA 92071	April 7, 2008	Santee Resident	RTC-331
N16	Sandra M. Schielke	10420 Strathmore Drive Santee, CA 92071	April 3, 2008	Santee Resident	RTC-334
N17	Keith & Linda Vail	10161 Pebble Beach Drive Santee, CA 92071	April 5, 2008	Santee Resident	RTC-338
N18	Gena Rotter	No Address Provided	April 4, 2008	Santee Resident	RTC-340
N19	Amy Finnegan	No Address Provided	March 26, 2008	Santee Resident	RTC-341
N20	Chuck Barnhart	10367 Strathmore Drive Santee, CA 92071-1043	April 13, 2008	Santee Resident	RTC-342
N21	Carol Murdock	No Address Provided	No Date	Santee Resident	RTC-343

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UNITED STATES MARINE CORPS  
MARINE CORPS AIR STATION  
P.O. BOX 452001  
SAN DIEGO, CA 92145-2001

11103  
CP&L/5617  
March 12, 2008

CITY OF SAN DIEGO  
DEVELOPMENT SERVICES CENTER  
ATTN E. SHEARER-NGUYEN  
ENVIRONMENTAL PLANNER  
1222 FIRST AVENUE MS 501  
SAN DIEGO CA 92101

RE: EAST ELLIOTT COMMUNITY PLAN; SYCAMORE LANDFILL MASTER PLAN,  
JOB ORDER NUMBER 42-1084, PN 5617/SCH No. 2003041057, APN 366-031-  
14, 366-031-18, & 366-041-01

Dear E. Shearer-Nguyen,

This is in response to the review notice of February 21, 2008, which addresses the Draft Environmental Impact Report (DEIR) for the Sycamore Landfill Master Plan within the East Elliott Community Planning area.

The proposed site is contained within the "MCAS Miramar AICUZ Study Area" identified in the 2005 Air Installations Compatible Use Zones (AICUZ) Update for Marine Corps Air Station (MCAS) Miramar. This area will be affected by operations of military fixed and rotary-wing aircraft transiting to and from MCAS Miramar. The proposed project is located within the adopted 2004 Airport Land Use Compatibility Plan (ALUCP) Airport Influence Area (AIA), but outside the 60+ dB Community Noise Equivalent Level (CNEL) noise contours and Accident Potential Zones (APZ).

At the present time, MCAS Miramar is unable to provide comments on the Sycamore Landfill Master Plan due to the lack of a current Federal Aviation Administration (FAA) Obstruction Evaluation / Airport Airspace Analysis (OE/AAA). On February 3, 2005, the FAA issued an aeronautical study (2004-AWP-4044-OE) that determined that the proposed project would exceed obstruction standards and/or would have an adverse physical or electromagnetic interference upon navigable airspace or air navigation facilities and would therefore be a presumed hazard to air navigation.

Since the proposed height of the project (1,050 Feet Above Mean Sea Level (AMSL)) would exceed the height of the FAA Part 77 Outer

## Comment Letter F1

RESPONSES TO COMMENT LETTER RECEIVED FROM THE UNITED STATES MARINE CORPS, MARINE CORPS AIR STATION/MIRAMAR, SIGNED BY C.L. THORNTON, DATED MARCH 12, 2008 (LETTER F1)

### Response to Comment F1-1:

The comment summarizes the location of the Project in relation to the Marine Corps Air Station (MCAS) Miramar Air Installation Compatible Use Zone (AICUZ) Study Area and the adopted Airport Land Use Compatibility Plan (ALUCP) Airport Influence Area (AIA). As noted in the comment, the northern 500 feet of the Project site is in the adopted 2004 ALUCP AIA. As a result, the Project has submitted a consistency determination to the San Diego Airport Authority (Airport Authority). As noted, the Sycamore Landfill is outside of the 60+ decibel (dB) Community Noise Equivalent Level (CNEL) noise contour and the Accident Potential Zone (APZ).

### Response to Comment F1-2:

The Federal Aviation Administration (FAA) notification referenced in the comment reviewed the Original 1,150 feet Above Mean Sea Level (AMSL) Alternative. It stated that if the Project were above 1,146 feet AMSL, it would be presumed to be a hazard, unless evidence demonstrating that it was not a hazard was submitted that overcame that presumption. The applicant chose not to submit such evidence because, based on discussions with the City of Santee, the applicant already had decided to lower the landfill height to 1,050 feet AMSL, in order to minimize visual quality impacts. On March 25, 2008, the Project was submitted to the FAA for review because the original determination (2004-AWP-4004) had expired. The two peaks were assigned case numbers 2008-AWP-1968 and 2008-AWP-1969. The FAA issued Determinations of No Hazard to Air Navigation, Aeronautical Study Nos. 2008-AWP-1968-OE and 2008-AWP-1969-OE, on September 10, 2008, after a circularization process. Previously, on March 25, 2008, the FAA issued Determinations of No Hazard to Air Navigation, Aeronautical Study No. 2008-AWP-1632-OE, 2008-AWP-1633-OE, 2008-AWP-1634-OE, 2008-AWP-1635-OE, 2008-AWP-1636-OE, 2008-AWP-1637-OE, 2008-AWP-1638-OE, 2008-AWP-1639-OE, 2008-AWP-1640-OE, 2008-AWP-1641-OE, 2008-AWP-1642-OE, 2008-AWP-1643-OE, 2008-AWP-1644-OE, 2008-AWP-1645-OE, 2008-AWP-1646-OE, 2008-AWP-1647-OE, 2008-AWP-1648-OE, 2008-AWP-1649-OE, 2008-AWP-1650-OE, 2008-AWP-1651-OE, and 2008-AWP-1652-OE for the landfill boundary points. The FAA issued Determinations of No Hazard to Air Navigation, Aeronautical Study Nos. 2006-AWP-6861-OE; 2006-AWP-6862-OE; 2006-AWP-6863-OE; 2006-AWP-6864-OE; 2006-AWP-6865-OE; 2006-AWP-6866-OE; 2006-AWP-6867-OE; 2006-AWP-6868-OE; 2006-AWP-6869-OE; and 2006-AWP-6870-OE for the transmission line relocation (December 11, 2006) and extensions of those determinations on July 9, 2008. The Airport Authority is scheduled to make a consistency determination on the Project in October, prior to City Council action on the Project.

F1-1

F1-2

F1-3

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Comment  
Letter F1  
(cont'd.)

11103  
CP&L/5617  
March 12, 2008

Horizontal Surface for MCAS Miramar (978 Feet AMSL), the United States Marine Corps (USMC) requests that the project proponent submit a new Part 77 Notice of Proposed Construction or Alteration (Form 7460-1) to the FAA for a hazard determination. Only until a new aeronautical study is issued by the FAA, can the USMC properly determine if the proposed height of the project is compatible with military operations.

Normal hours of operation at MCAS Miramar are as follows:

Monday through Thursday	7:00 a.m. to 12:00 midnight
Friday	7:00 a.m. to 6:00 p.m.
Saturday, Sunday, Holidays	8:00 a.m. to 6:00 p.m.

MCAS Miramar is a master air station, and as such, can operate 24 hours per day, 7 days per week. Fiscal and manpower constraints, as well as efforts to reduce the noise impacts of our operations on the surrounding community, impose the above hours of operation. Circumstances frequently arise which require an extension of these operating hours.

Thank you for the opportunity to review this land use proposal. If we may be of any further assistance, please contact Mr. Juan Lias at (858) 577-6603.

Sincerely,  


C. L. THORNTON  
Community Plans and Liaison Officer  
By direction of the Commanding Officer

Copy to:  
San Diego County Regional Airport Authority, Sandi Sawa  
City of San Diego Development Services Department, Jeanette Temple

Enclosure:  
(1) FAA Aeronautical Study 2004-AWP-4044-OE

F1-3  
(cont'd.)

F1-4

RESPONSES TO COMMENT LETTER RECEIVED FROM THE UNITED STATES MARINE CORPS, MARINE CORPS AIR STATION/MIRAMAR, SIGNED BY C.L. THORNTON, DATED MARCH 12, 2008 (LETTER F1) (continued)

Response to Comment F1-3:

The Project was submitted for review to the FAA via the Part 77 Notice of Proposed Construction or Alteration (Form 7460-1). The Project was submitted with a maximum height of 1,146 feet AMSL to be conservative, since Alternative 8.8 proposes up to a height of 1,145 feet AMSL, even though the Project has a maximum height of 1,050 feet AMSL. See Response to Comment F1-2 regarding the FAA's issuance of Determinations of No Hazard to Air Navigation.

The MCAS Miramar Horizontal surface extends 50,000 feet from the MCAS Miramar airfield. The Project would penetrate the MCAS Miramar horizontal surface; however, it would not conflict with aeronautical operations at MCAS Miramar. Significant terrain already penetrates this surface, including a hill which is higher and closer to the airfield than the landfill would be. Due to the existing terrain that surrounds the Project, the Project would be compatible with military operations at MCAS Miramar.

Response to Comment F1-4:

Comment noted. The Project would not impact the hours of operation at MCAS Miramar even if that facility is operating 24 hours, 7 days a week.

Since this comment does not address the adequacy or accuracy of the EIR, no further response is required.

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Comment  
Letter F1  
(cont'd.)



Federal Aviation Administration  
Western Pacific Regional Office  
PO Box 92007-AWP-520  
Los Angeles, CA 90009-2007

Aeronautical Study No.  
2004-AWP-4044-OE

Issued Date: 2/3/2005

NEIL MOHR  
SYCAMORE LANDFILL INC  
8514 MAST BOULEVARD  
SANTAE, CA 92071

**\*\* DETERMINATION OF PRESUMED HAZARD \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure Type: LANDFILL  
Location: SAN DIEGO, CA  
Latitude: 32-51-52.65 NAD 83  
Longitude: 117-1-41.06  
Heights: 277 feet above ground level (AGL)  
1160 feet above mean sea level (AMSL)

The initial findings of this study indicated that the structure as described above would exceed obstruction standards and/or would have an adverse physical or electromagnetic interference effect upon navigable airspace or air navigation facilities. Therefore, pending resolution of the issues described below, it is hereby determined that the structure is presumed to be a hazard to air navigation.

Any height exceeding 263 feet above ground level (1146 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

See attachment for additional information.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

NOTE: PENDING RESOLUTION OF THE ISSUES DESCRIBED ABOVE, THE STRUCTURE IS PRESUMED TO BE A HAZARD TO AIR NAVIGATION. THIS DETERMINATION DOES NOT AUTHORIZE CONSTRUCTION OF THE STRUCTURE EVEN AT A REDUCED HEIGHT. ANY RESOLUTION OF THE ISSUES DESCRIBED ABOVE MUST BE COMMUNICATED TO THE FAA SO THAT A FAVORABLE DETERMINATION CAN SUBSEQUENTLY BE ISSUED.

IF MORE THAN 60 DAYS FROM THE DATE OF THIS LETTER HAS ELAPSED WITHOUT ATTEMPTED RESOLUTION, IT WILL BE NECESSARY FOR YOU TO REACTIVATE THE STUDY BY FILING A NEW FAA FORM 7460-1, NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION.

If we can be of further assistance, please contact our office at (310)725-6559. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2004-AWP-4044-OE.

Signature Control No: 394122-343649  
Ronald Guyadeen  
Specialist  
Attachment(s)

(DPH)

Enclosure ( 1 )

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Comment  
Letter F1  
(cont'd.)

000008

Additional Information for ASN 2004-AWP-4044-02

THE COORDINATES SUBMITTED BY THE SPONSOR CALCULATE THIS LANDFILL TO BE SITED 3.63 NAUTICAL MILES (NM) FROM THE GILLESPIE FIELD (SEE) AIRPORT REFERENCE POINT, THE CLOSEST PUBLIC-USE LANDING AREA.

THE LANDFILL, AT THE PROPOSED HEIGHT, IS IDENTIFIED AS AN OBSTRUCTION BY EXCEEDING THE STANDARDS OF FEDERAL AVIATION REGULATION (FAR), PART 77, SUBPART C, AS FOLLOWS: 77.23(a)(2), BY 14 FEET, A HEIGHT MORE THAN 263 FEET ABOVE GROUND LEVEL (AGL), AT THE SITE, WITHIN 3.63 NM OF THE (SEE) AIRPORT REFERENCE POINT.

MAXIMUM ACCEPTABLE HEIGHT OF THE LANDFILL EXPANSION CANNOT EXCEED 263'AGL/1146'AMSL.

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Comment  
Letter F1  
(cont'd.)

Map for ASN 2004-ANP-4044-08



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Comment  
Letter F2



U.S. Fish and Wildlife Service  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road  
Carlsbad, California 92011  
(760) 431-9440  
FAX (760) 431-9618



California Department of Fish and Game  
South Coast Region  
4949 Viewridge Avenue  
San Diego, California 92123  
(858) 467-4201  
FAX (858) 467-4299

In Reply Refer To:  
FWS/CDFG- SAN-08B0434-08TA0473

APR 10 2008

Ms. Elizabeth Shearer-Nguyen  
City of San Diego  
Development Services Department  
1222 First Avenue, Mail Station 501  
San Diego, California 92101

Subject: Comments on the Draft Environmental Impact Report for the Proposed Sycamore Landfill  
Master Plan, City of San Diego, San Diego County, California (Project No. 5617; SCH  
#2003041057)

Dear Ms. Shearer-Nguyen:

The California Department of Fish and Game (Department) and the U.S. Fish and Wildlife Service (Service), collectively the Wildlife Agencies, have reviewed the above-referenced draft Environmental Impact Report (DEIR) for the Proposed Sycamore Landfill Master Plan (Project), dated February 21, 2008. The Wildlife Agencies appreciate the time extension until April 10, 2008, granted by the City of San Diego for providing comments on the DEIR. The comments provided herein are based on the information provided in the DEIR, the Wildlife Agencies' knowledge of sensitive and declining vegetative communities, and our participation in regional conservation planning efforts. Based on our review of the DEIR, we have concerns regarding the inadequacy of the DEIR in: 1) avoiding, minimizing, and mitigating impacts to biological resources, and 2) providing a thorough assessment of the cumulative effects of the proposed Project.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381 respectively. The Department is responsible for the conservation, protection, and management of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA), and administers the Natural Community Conservation Planning Program (NCCP). The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.).

The Sycamore Landfill site is located in the eastern edge of the City of San Diego, with access via State Route (SR) 52/Mast Boulevard interchange. The site comprises approximately 493 acres in Little

F2-1

F-2-2

F2-3

RESPONSES TO COMMENT LETTER RECEIVED FROM U.S. FISH AND WILDLIFE SERVICE/CALIFORNIA DEPARTMENT OF FISH AND GAME, SIGNED BY THERESE O'ROURKE/STEPHEN M. JUAREZ, DATED APRIL 10, 2008 (LETTER F2)

Response to Comment F2-1:

This comment introduces the commenter, thanks the City of San Diego for granting the commenter an extension of time to respond, and introduces two concerns that are then set out in detail in the enclosure. Specific responses to the concerns are contained in the responses to the enclosure, set forth as Responses to Comments F2-6 through F2-35 below. The EIR is adequate, as more fully described in the responses to the above-referenced comments.

Response to Comment F2-2:

This comment summarizes the duties, responsibility, and authority of the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG), therefore, no response is required.

Response to Comment F2-3:

This comment summarizes information from the EIR, therefore, no response is required.



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Comment  
Letter F2  
(cont'd.)

RESPONSES TO COMMENT LETTER RECEIVED FROM U.S. FISH AND WILDLIFE  
SERVICE/CALIFORNIA DEPARTMENT OF FISH AND GAME, SIGNED BY THERESE O'ROURKE/  
STEPHEN M. JUAREZ, DATED APRIL 10, 2008 (LETTER F2) (continued)

Ms. Shearer-Nguyen (FWS/CDFG- SAN-08B0434-08TA0473)

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Sycamore Canyon, of which approximately 150 acres have been disturbed to date by prior and on-going landfill operations and excavation, part of approximately 380 acres approved for disturbance under existing permits. The proposed Project would increase the existing landfill area by 26 acres, for a total footprint of approximately 519 acres. Also, the height would increase by 167 feet (existing plan allows 883 feet) for an allowable maximum height of 1,050 feet. The expansion of the landfill would also include additional ancillary facilities and relocation of a San Diego Gas & Electric (SDG&E) transmission line, consisting of a 230 kilovolt (kV) transmission line, a 138 kV transmission line, and a 69 kV transmission line that currently extends diagonally through the landfill site. The City of San Diego's Mission Trails Regional Park is located approximately 3,500 feet south of the landfill site, separated by SR 52. The vegetation communities located on and surrounding the site include chamise chaparral, Diegan coastal sage scrub, coastal sage scrub/native grassland, coastal sage scrub/non-native grassland, valley needlegrass grassland, southern mixed chaparral, non-native grassland, and mule fat scrub. The proposed master plan expansion would impact 2.14 acres of native grassland, 10.61 acres of chamise chaparral, 21.81 acres of Diegan coastal sage scrub, 1.79 acres of Diegan coastal sage scrub/native grassland, 0.79 acre of coastal sage scrub/non-native grassland/native grassland, 0.88 acre of southern mixed chaparral, 0.09 acre of mule fat scrub and 0.64 acre of non-native grassland. Sensitive wildlife species detected during prior surveys included the federally-listed threatened coastal California gnatcatcher (*Polioptila californica californica*), state protected white-tailed kite (*Elanus leucurus*), grasshopper sparrow (*Ammodramus savannarum*), which is State-listed species of special concern (SSC), and southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*).

In addition to impacts to sensitive plant communities the following State-listed species of special concern would be impacted with implementation of the proposed Project: 10 Nuttall's scrub oak (*Quercus dumosa*); 1,362 San Diego goldenstar (*Muilla clevelandii*); 95 San Diego coast barrel cactus (*Ferocactus viridescens*); and 12,621 variegated dudleya (*Dudleya variegata*). The impacts to these plants would be mitigated by either replacement planting at the required ratio or salvaging affected plants for translocation into dedicated conservation parcels located within the Multi-Habitat Planning Area (MHPA) preserve.

We offer our recommendations and comments in the Enclosure to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with all applicable requirements of the approved Subarea Plan.

If you have questions or comments regarding the contents of this letter, please contact Paul Schlitt of the Department at (858) 637-5510 or David Zoutendyk of the Service at (760) 431-9440.

Sincerely,

Therese O'Rourke  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service

Stephen M. Juarez  
Environmental Program Manager  
California Department of Fish and Game

Enclosure

cc: State Clearinghouse

F2-3  
(cont'd.)

F2-4

F2-5

Response to Comment F2-4:

This comment summarizes information from the EIR, therefore, no response is required.

Response to Comment F2-5:

Comment noted. Since this comment does not address the adequacy of the EIR, no response is required.

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Ms. Shearer-Nguyen (FWS/CDFG- SAN-08B0434-08TA0473)

Comment  
Letter F2  
(cont'd.)

3

## ENCLOSURE

## Wildlife Agencies' Comments on the DEIR for the Proposed Sycamore Landfill Master Plan

1. The Wildlife Agencies are concerned with the significant impacts that the Proposed Project would have on the identified State-listed Species of Special Concern (SSC). The priority in formulating feasible mitigation measures should be to avoid and minimize direct and indirect biological impacts. For example, the Reduced Footprint Alternative would reduce overall impacts to sensitive habitats by roughly 13.5 acres; and greatly reduce direct impacts to narrow endemics to 750 San Diego goldenstar, 50 variegated dudleya, and eight San Diego coast barrel cactus. We strongly recommend that every effort be directed at considering alternative designs proposals that are environmentally superior and clearly demonstrate avoidance and minimization of impacts to native vegetation communities and associated species. There are other alternatives within the DEIR (e.g., alternative transmission line routing south and east of the landfill reducing long-term biological impacts to 0.3 acre, 0.07 acre less than those of the proposed routing to the west and north and reduce temporary construction impacts from 17.35 acres to 9.4 acres) that similarly achieve these goals (CEQA Guideline, Section 15002(a)). Additionally, the Department does not feel that speculative discussion (Section 8.6, page 8-38) that attempts to equate a given impact number of variegated dudleya to allowable cubic yards of trash serve in providing substantive analysis in meeting the objectives of CEQA.
2. Further guidance should be provided regarding the statement that there have been no raptor deaths documented in the last 5 years (page 4.3-26). The Wildlife Agencies request additional discussion within the DEIR that outlines the existing monitoring methods that are currently in place (include baseline survey data and monitoring that in currently in place) that substantiate this conclusion. Furthermore, the DEIR should refrain from statements (page 4.3-45) such as "Biological benefits of the relocation include provision of additional perching locations for raptors....". No documentation was provided within the DEIR that support this position.
3. The project should incorporate design features and citing standards that, at a minimum, meet those defined by the American Power Line Interaction Committee (<http://www.aplic.org/>) for reducing or eliminating avian collision and electrocution risk from power lines. The mitigation measure should be revised to include pre- and post-construction monitoring of transmission and distribution lines for the purpose of: 1) detection of high electrocution or collision risk line segments or poles; 2) assessing the efficacy of installed diverters, perch guards, and other preventative facility measures; and 3) establishing baseline collision and electrocution impact information to inform adaptive management for further reducing impacts and risks.
4. It is not clearly defined within the DEIR whether there would be additional encroachment into specific parcels that were previously conserved as the mitigation requirements associated with the 2003 Brushing and Clearing activities. This information is partially presented within various graphics throughout the DEIR. At a minimum, a separate table should be provided that identifies all of the previously conserved parcels (including the 0.5-acre parcel adjustment) and a comparison column for the currently conserved parcels that are associated with landfill expansion, ancillary facilities and transmission line relocation. Corresponding assessor's parcel numbers and acreage should be provided for each conserved land.

F2-6

F2-7

F2-8

F2-9

F2-10

RESPONSES TO COMMENT LETTER RECEIVED FROM U.S. FISH AND WILDLIFE SERVICE/CALIFORNIA DEPARTMENT OF FISH AND GAME, SIGNED BY THERESE O'ROURKE/STEPHEN M. JUAREZ, DATED APRIL 10, 2008 (LETTER F2) (continued)

## Response to Comment F2-6:

The ability of the Reduced Footprint Alternative to minimize impacts to narrow endemics, and the ability of the southern and eastern transmission line routing to reduce general biological impacts is exactly why those alternatives were discussed in the EIR; however, the fact that those alternatives minimize certain impacts to biology resources does not require that they be chosen as the Project. The EIR's alternatives analysis achieves the goals of the California Environmental Quality Act (CEQA), including those outlined in the State CEQA Guidelines Section 15002(a), by providing a discussion of a reasonable range of alternatives sufficient to permit informed decision making and public participation. The EIR sufficiently describes each alternative, thereby enabling the decision maker to compare it with the Project; analyzes the environmental effects of each alternative; identifies the environmentally superior alternative; describes the basis for selecting the alternatives; and states the reasons for excluding infeasible alternatives. CEQA does not require the selection of an alternative on the basis that it minimizes certain impacts to biological resources. Moreover, the alternatives preferred by the wildlife agencies result in greater impacts to other resources. In accordance with CEQA and the City of San Diego's Land Development Code (LDC), it is to the role of the decision maker to balance the impacts and benefits of the Project and the various alternatives in reaching their ultimate decision on the Project and/or Project alternatives. Thus, the decision-maker would consider the alternative landfill footprints and transmission line alignments and balance the stated impacts to biological resources against impacts to other environmental issue areas.

The commenter's assertion that the discussion on page 8-38 of the EIR is speculative is incorrect. The text in the EIR provides facts comparing the number of plants based on biological surveys done on the site, and cubic yards of capacity for municipal solid waste based on the landfill's operating procedures, historic capacity figures, and mathematical calculation; there is nothing speculative about it. The EIR describes impacts to sensitive species based on the Project. Disclosing factual information and comparisons upon which decisions can be made is consistent with the goals of CEQA.

## Response to Comment F2-7:

The existing conditions include this same transmission line, simply in a slightly different alignment. The current alignment of the transmission line dissects the landfill, whereas the realignment would generally follow the landfill property boundaries, which would slightly increase its length. Thus, the change in the transmission line over existing conditions is minimal. In addition, San Diego Gas & Electric Company's (SDG&E) Avian Protection Program was developed using the Avian Protection Plan Guidelines (April 2005). The 2005 Guidelines are a joint document that was prepared by The Edison Electric Institute's Avian Power Line Interaction Committee (APLIC) and the USFWS. Electrocutions are primarily associated with

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Response to Comment F2-7: (cont'd.)

distribution lines not transmission lines. SDG&E does not conduct monitoring studies to determine electrocutions on any transmission lines. However, SDG&E's Bulk Power Operation Reports (transmission), Distribution System Operation Reports, (distribution, 12kV or less) information from line inspections and maintenance crews provide sources of information for electrocutions. Weekly and daily review of this quantitative information document that SDG&E has had very few electrocutions (less than 4) on SDG&E transmission lines over the last 5 years, and with none of those related to bird flight collisions. The EIR text on page 4.3-26 has been revised to clarify this information. As stated in the document, the spacing between the conductors is more than adequate to reduce or prevent most electrocutions on transmission lines. The 2005 APLIC Guidelines suggest a minimum of 60 inches between conductors (phases) and phase to ground points of contact, and the conductors on the lines being related as part of this Project would be at least 60 inches, consistent with this policy. In addition, bird flight collisions with transmission lines do not appear to be a problem within the SDG&E system based on the above sources of information. For all of the SDG&E electric transmission lines, there have only been three known electrocutions in the past five years, and all of those were associated with nest problems, not with fly-by collisions.

Response to Comment F2-8:

Because the realigned transmission line requires more transmission line structures to cover the longer alignment, there would be increased raptor perching opportunities. Since the USFWS's position is that loss of perching opportunities should be analyzed as an impact, it is reasonable to view the provision of additional perching opportunities as beneficial. Figure 3-12 provides the requested documentation.

Response to Comment F2-9:

The Project does incorporate design features and standards that meet those defined by the APLIC for reducing or eliminating avian collision and electrocution risk from power lines. SDG&E is a member of the Avian Power Line Interaction Committee (APLIC). In addition, SDG&E has an Avian Protection Program based on the APLIC Suggested Practices and 2005 Guidelines. The SDG&E program is designed to reduce to the greatest extent possible avian electrocutions. Most utility electrocutions are associated with distribution lines, not transmission lines. SDG&E transmission tower/pole designs as well as conductors (lines) spacing are generally 60" or greater. For example, the standard spacing between conductors for 230kV is 16.5 feet, for 138kV it is 9 feet, and for 69kV it is 5 feet. The tower design and spacing significantly reduces the probability of an avian electrocution. As described in the response to F2-7 above, there have been no bird flight collision electrocutions in the five years prior to this study. Therefore, few raptor electrocution impacts from the Project are expected, and no mitigation measures are required.

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**Response to Comment F2-10:**

The areas of disturbance associated with the Project would not result in impacts to any previously conserved lands. As noted in the comment, that information is presented in various graphics included in the EIR. See the following table and refer to Figure 5-3, which displays the location of the parcels listed.

**Lands in Vicinity of Sycamore Landfill Conserved Under MND/PDP/SDP 40-0765**

APN	All or Part of Parcel	Acres	Any Impact by Master Plan Project?
366-030-34	All	28.09	NO
366-070-19	All	14.41	NO
366-080-29	All	32.48	NO
366-070-12	Part	3.09	NO
366-071-12	Part	3.35	NO
366-071-33	Part	6.21	NO
366-041-01	Part	0.58	NO

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5. The DEIR mentions that western spadefoot (*Spea hammondi*) tadpoles were observed in a pool within the project site, but outside the proposed area of disturbance. However, according to Figure 4.3-3, also recorded tadpoles on a service road that extends to an area identified as part of the transmission line corridor (i.e., laydown and pull sites). The DEIR should provide further discussion on this and any other known locations of, and measures to avoid and/or minimize impacts to, this State-listed SSC.
6. The executive summary of the DEIR and Biological Technical Report incorrectly state that the grasshopper sparrow (*Ammodramus savannarum*) is adequately covered by the City's MSCP and that impact to this species are considered less than significant. Correction should be made for this State-listed species of concern within the DEIR and technical appendices.
7. Due to recent observations of quino checkerspot butterfly (*Euphydryas editha quino*; quino) within Mission Trails Regional Park (south of landfill) and Fanita Rauch (due east within jurisdiction of the City of Santee) updated focused surveys should be required prior to any construction-related activity and should be included as mitigation conditions within the final EIR. If quino are observed, the City will have to work with the Service to address permitting issues related to quino since it is not a covered species under MSCP.
8. The Biological Technical Report (page 40) mentions approximately 1,522 San Diego goldenstar outside of the MHPA would be impacted by the proposed landfill expansion, whereas the discussion within the Biological Resources discussion (page 4.3-21) of the DEIR states approximate 1,362 would be impacted. Provide clarification for the difference in reported numbers.
9. There are reporting inconsistencies of affected acreages of native habitat (Non-MHPA & MHPA categories) mentioned in discussion (section heading, A. Land Preparation/Site Planning, Page 4.1-22) to acreage impact values reported in Table 4.1-1 and Attachment 6 of the Biological Technical Report. Similarly, the reported acreage values (page 4.1-40, subsection (d)) do not correspond to those values in Table 4.1.
10. The impact acreage for Diegan coastal sage mentioned in Impact 4.3.11 (page ES-21) does not correspond to coastal sage scrub impacts in Table 4.3-3 (page 4.3-33). Please ensure that acreage impact totals are correct.
11. Section heading B. Transmission Line Relocation (page 4.3-24 of DEIR), mentions permanent impacts from the transmission line relocation of 0.37 acre, whereas Table 4.1-1 reports 0.51 acre of long-term disturbance sensitive habitat, while 0.57 acre is referenced in Attachment 6 of the Biological Technical Report. Provide clarification as to the reason for the variation in anticipated permanent impacts. Furthermore, for Table 4.3-7 (column heading, Total Mitigation Acreage Required Inside MHPA/Outside MHPA of the DEIR) the mitigation requirement for Diegan coastal sage scrub/non-native/native grassland community was not included in the summation of Permanent Impact Acreage for Impacts Outside MHPA.
12. The permanent impact acreage for structures (i.e., transmission line relocation) and access roads referenced in the DEIR is reported at 0.37 acre, whereas the Biological Technical Report references 0.53 acre. We would suggest reevaluating Table 4.3-7 (i.e., DEIR) for computational errors and to

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#### Response to Comment F2-11:

The western spadefoot toad was observed at one location as reported on Figure 4.3-3, which is the existing SDG&E access road. The discussion on page 4.3-15 of the EIR is revised in the Final EIR (FEIR) as follows in response to this comment:

"Tadpoles of the latter species were observed in a pond in a dirt road within the Project site, but outside the proposed area of grading. This dirt road is an existing SDG&E access road and would be used to provide construction/demolition access to the proposed new pole location at the northeast corner of the landfill. Upon completion of construction/demolition, this road would continue to be used for maintenance access by SDG&E."

As noted in Section 3.3.7 of the EIR, the Project would comply with all protocol related to SDG&E's transmission line relocation. In order to clarify this intention, however, the following text regarding the western spadefoot toad has been added to the FEIR following the California gnatcatcher discussion that follows Impact 4.3.9:

"To protect the western spadefoot toad, use of SDG&E's access road located on parcel 366-041-01 for construction or demolition access would be limited to dry periods of the year. This is in conformance with SDG&E protocols 44 and 53. Prior to any use of this road segment for construction or demolition access, a biologist shall confirm that there is no standing water within the road and that the road is dry. Conformance with SDG&E's protocols would avoid Project-related impact to the western spadefoot toad. Impacts would be below a level of significance."

#### Response to Comment F2-12:

The EIR and Biological Technical Report have been corrected to indicate that the grasshopper sparrow is designated a "Species of Special Concern" by the CDFG. According to the CDFG, "Species of Special Concern" are designated because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction. The goal of designating species as "Species of Special Concern" is to halt or reverse their decline by calling attention to their plight and addressing the issues of concern early enough to secure their long term viability. The grasshopper sparrow is designated as a 2nd priority "Species of Special Concern" and the season of concern for which it is ranked as a conservation priority is the breeding season. The grasshopper sparrow is not a covered species in the City's Multiple Species Conservation Program (MSCP). Project impacts to native and non-native grassland habitats are minimal

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**Response to Comment F2-12: (cont'd)**

and would not represent a substantial impact to the grasshopper sparrow. Furthermore, grassland habitat would be preserved as mitigation for loss of this habitat as part of the Project and ultimately the landfill cover would be revegetated with approximately 300 acres of Native Grassland. Finally, grasshopper sparrows are migrating birds protected by the Migratory Bird Treaty Act (MBTA). The EIR discusses construction limitations associated with the MBTA on page 4.3-44. These limitations would preclude any direct mortality of grasshopper sparrows. Therefore, impacts to the grasshopper sparrow would be considered less than significant.

**Response to Comment F2-13:**

No significant project impact to Quino checkerspot butterfly has been identified in the EIR, and so, therefore, no mitigation measure for any such impact is required. However, as stated in the EIR, Section 4.3.1.3 E (Sensitive Wildlife), "It is anticipated that, if the Project is approved, at least one additional survey for the Quino checkerspot butterfly would be required as a City permit condition prior to Project disturbance of any suitable habitats at the site." This will be included as a condition of approval for the Project. If any Quino checkerspot butterflies are observed on or near the Project site as part of that survey, the Applicant will work with the USFWS as required by the Endangered Species Act to address any unforeseen impacts to this listed species.

**Response to Comment F2-14:**

The actual number of San Diego goldenstar affected would be 1,512 plants outside the MHPA, and 10 plants inside the MHPA, as shown on the biological impact master table, Attachment 6 of the Biological Report, EIR Appendix C1. The text in Impact 4.3.1a of the EIR and on page 40 of the Biological Report have been clarified, as requested in the comment.

**Response to Comment F2-15:**

The information in Biological Technical Report Attachment 6 is correct. EIR Table 4.1-1 has been revised, and the other text references have been clarified in strikeout/underline format in the FEIR to read as follows:

As described in Table 4.1-1, under the new Master Plan approximately 38.66 acres of native habitat would be disturbed for landfill and ancillary facility purposes (26.76 acres of non-MHPA, 11.90 acres of MHPA), and 0.46 acres of permanent transmission line

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Response to Comment F2-15: (cont'd.)

disturbance, and 4.69 acres of construction buffer zone that may incur temporary disturbance during landfill or ancillary facility construction.

Page 4.1-40

... while proposed new disturbance or development in the MHPA is approximately 11.90 acres (landfill or ancillary facilities) plus 0.29 acre (transmission line long-term disturbance), plus 1.50 acres for construction buffer zones, or a total of 13.69 acres (see EIR Table 4.1-1).

Response to Comment F2-16:

All the values in Impact 4.3.11 and MM 4.3.11 are correct and consistent with values in EIR Table 4.3-3; the acreage of Diegan coastal sage scrub as shown in Table ES-1 was erroneously listed as 27.81, and has been corrected in the FEIR to note that it actually is only 21.81 acres.

Response to Comment F2-17:

References to the acreage of permanent impacts from the transmission line relocation are consistent in page 4.3-24 of the EIR and Attachment 6 of the Biology Report (both cite 0.37 acres). The 0.46 acre value in Table 4.1-1 includes anticipated disturbance within two parcels outside the Project boundary, but within the existing SDG&E 200-foot easement, an area already permitted for disturbance related to transmission line construction and maintenance.

In EIR Table 4.3-7, the data in the rows Total Sensitive Inside MHPA, Total Sensitive Outside MHPA, and TOTAL SENSITIVE are all correct. The row titled Diegan coastal sage scrub/non-Native Grassland/Native grassland under the heading Impacts Outside MHPA includes incorrect data. The 0.14 entry under the heading Permanent Impact Acreage should be 0.00. Similarly, the 0.28 and 0.42 entries under the heading Total Mitigation Acreage Required Inside MHPA and Outside MHPA should both be 0.00. In addition, in the third-to-the-last row "Developed/Landfill/Access Road/Landscaped, the value in the third column should be 0.33 instead of 0.09, and the fourth column should be 0.00 instead of 0.01. These errors have been corrected in the FEIR.

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**Response to Comment F2-18:**

The correct permanent impact acreage for structures and access roads is 0.37 acre. Although EIR Table 9 of the Biological Technical Report, EIR Appendix C1, showed 0.55 acre of total permanent impact associated with the proposed transmission line relocation, of that 0.55 acre, 0.18 acre is non-native habitat. As a result, the net amount according to Table 9 should be 0.37 acres of permanent habitat impact, with rounding it is the same value that is shown in the biology master table, Attachment 6 of the Biology Report. The values have been adjusted by RECON to be consistent with Attachment 6. Regarding Table 4.3-7, please see Response to Comment F2-17, above.

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ensure that mitigation acreage requirements are being accurately reported. Likewise, provide clarification to impact discussion provided in Section 4.9 *Geology/Soils* that states, "Sensitive habitat to be permanently removed cover 2.8 acres of the 19.2 acres, as discussed in Impact 4.3-13" (2.8 acres of permanent impacts to native habitat is also being referenced in 4.10 *Hydrology/Water Quality*). The Wildlife Agencies suggest that the biological impact analysis for the DEIR be reevaluated by the lead agency to ensure the accuracy of data presented throughout the DEIR.

13. Page 4.3-26 of the DEIR refers to the addition of 33 transmission towers, whereas page 4.2- 43 mentions approximately 30 replacement structures accounting for 0.55 acre of permanent impact. Reporting inconsistencies should be corrected.

14. The Biological Technical Report (page 64) mentions a total of 10 Nuttall's scrub oak located on the outside edge of the proposed laydown area in the northwestern region of assessor parcel number 366-031-14, whereas page 4.3.25 of the DEIR references 25 Nuttall's scrub oak within the same location (population protected by three strand wire fence). Please correct.

15. The DEIR mentions that the City collects waste tipping fees, however it does not say how those funds are utilized. Because of the difficulty in identifying a regional funding source, the Wildlife Agencies recommend that a portion of the waste tipping fees be used to help implement the long-term management and monitoring activities associated with the MSCP.

16. In regards to slated mitigation measures for the Transmission Line Relocation (i.e., MM 4.3.7), the Wildlife Agencies recommend incorporating the following measures into the existing language:

Train all contractors and construction personnel on the biological resources associated with scheduled project and ensure that training is implemented by construction personnel. At a minimum, training shall include: 1) the purpose for resource protection; 2) a description of the protected species and its habitat; 3) the conservation measures given in the document that should be implemented during project construction to conserve the species of concern, including strictly limited activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoid areas delineated on maps or on the project site by fencing); 4) environmentally responsible construction practices; 5) the protocol to resolve conflicts that may arise at any time during the construction process; 6) the general provisions of resource protection laws, the need to adhere to the provisions of the resource protection laws, and the penalties associated with violating those laws.

17. The Wildlife Agencies recommend incorporating the following standard conservation measures into Mitigation Measure 4.6.6:

To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat, should occur outside of the breeding season (January 15 to August 15). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 100-feet of the construction area, federally- or State-listed birds (e.g., coastal California gnatcatcher, least Bell's vireo) on or within 300-feet of the construction area and nesting raptors within 500-feet of

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Response to Comment F2-19:

Within the last year, SDG&E determined that an additional group of three transmission line structures would be required to relocate the transmission line, increasing the total number of structures needed to 30 from 33. This was changed on page 4.3-26, but not on page 4.2-43 or page 4.9-12. That value has now been corrected on pages 4.2-43 and 4.9-12. In addition, the arithmetic regarding transmission line pad areas has been revised, and the estimated pad disturbance is now estimated at 0.37 acre, rather than the 0.55 previously referenced. This is consistent with the values in Chapter 4.3.

Response to Comment F2-20:

The Project has the potential to impact 10 Nuttall's scrub oak, as referenced in the Biological Technical Report, and Impact 4.3.7 over-estimated the number potentially impacted. The FEIR has been revised to indicate in Impact 4.3.7 that the potential impacts would be to ten Nuttall's scrub oak within APN 366-031-14, unless fenced. The Impact 4.3.7 in the FEIR therefore is consistent with the statement in the Biology Report, page 64.

Response to Comment F2-21:

Comment noted. These issues do not relate to the adequacy of the EIR. All direct biology impacts have been identified and mitigated. In addition, the EIR concluded that the Project would result in a cumulatively significant, unmitigated impact to native grassland.

Response to Comment F2-22:

The EIR language in MM 4.3.7 is from SDG&E's Project Protocols Number 7 (EIR Appendix B). However, the paragraph suggested by the comment has now been incorporated into the text of MM 4.3.7.

Response to Comment F2-23:

As noted on page 4.3-45, compliance with the Migratory Bird Treaty Act (MBTA) is required by law. Page 4.3-45 goes on to state that "Since compliance with the MBTA is required the foregoing measure is technically not a "mitigation measure" for impacts incurred, but a condition of approval for the Project that would be listed in the MMRP and subsequently implemented by SLI and SDG&E." Least Bell's vireo are not expected to be found within 500 feet of any Project-related construction. Coastal California gnatcatchers (CGN) and raptors would be protected as described in mitigation measures 4.3.8 (raptors) and 4.3.9 (CGN). In response to the comment, the buffer distance associated with nesting raptors has been increased in MMs 4.3.6 and 4.3.8 to 500 feet.

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the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers should be established: 1) no work within 100 feet of a non-listed nesting migratory bird nest, 2) no work within 300 feet of a listed bird nest, and 3) no work within 500 feet of a raptor nest. However, the City may reduce these buffer widths depending on site-specific conditions (e.g. the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project applicant should contact the City to determine the appropriate buffer.

A bio-monitor shall be present on-site during all initial grubbing and clearing of vegetation to ensure that perimeter construction fencing is being maintained and to minimize the likelihood that nests containing eggs or chicks are abandoned or fails due to construction activity. A bio-monitor shall also perform periodic inspections of the construction site during all major grading to ensure that impacts to sensitive plants and wildlife are minimized. These inspections should take place once or twice a week, as defined by the City, depending on the sensitivity of the resources. The bio-monitor shall send weekly monitoring reports to the City and shall notify both the City and the Wildlife Agencies immediately if clearing is done outside of the permitted project footprint.

Cumulative Impact Analysis

1. In regards to Impact 5.2a which states, "A significant long-term cumulative biological impact would result from project-related losses of 4.72 acres of native grassland habitat, or mixed habitats containing native grassland", the Wildlife Agencies request further justification for not adequately mitigating (in-kind) for the direct impact to this sensitive habitat. In accordance with the City's Biology Guidelines, mitigation, based upon the ratios given in Table 3, will be required for all significant upland habitat impacts outside of the MHPA. The City should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment (CEQA Guideline 15021(a)(2)). Additionally, it is not clearly defined within Section 4.1.4.2 of the DEIR that this action is consistent with the City's Environmentally Sensitive Lands Regulations. Furthermore, no discussion was included as to applicant's efforts in pursuing mitigation lands that have commensurate habitat value to offset impacts to this native grassland elsewhere within the City's jurisdiction. The Wildlife Agencies do not agree that impacts to native grassland would be offset by revegetation of the road fill slopes and the landfill surface with native grassland species as these areas would be subject to future maintenance impacts.
2. The cumulative impact analysis makes no reference to the San Diego Community Power Project (SDCPP) proposed by ENPEX Corporation. The project includes a 750 MW gas-fired combined cycle power plant with likely electrical interconnection (230kV line) to the SDG&E Sycamore Canyon Substation. The SDCPP would occupy 60-acres owned by Marine Corps Air Station Miramar. The SDCPP would be located northeast of the existing landfill, directly adjacent to the City's MHPA preserve boundary and the City of Santee to the east. The project site is located northeast of the existing landfill on MCAS/Miramar property, bordered by City's MHPA preserve to the south and City of Santee to the east. This development proposal is part of the alternatives and

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Response to Comment F2-24:

The applicant proposes to preserve 6.71 acres of in-kind habitat from nearby MHPA parcels thereby meeting the mitigation ratios required by the Biology Guidelines. This fully mitigates direct impacts to native grassland, but does not fully mitigate cumulative impacts, as noted in the EIR. In addition, the applicant proposes to plant approximately 300 acre of native grassland but cannot commit that area as protected habitat because there would be a need to conduct maintenance in some areas in accordance with the Final Closure Plan for some time in the future. It is reasonably expected that the vast majority of the replanted areas would remain undisturbed. Ultimately, at completion of Final Closure, the site would revert to open space and there is no reason to anticipate any further disturbance of this 300 acres. The preservation of 6.71 acres of in-kind habitat along with the revegetation of 300 acres of native grassland, most of which would be preserved and ultimately all of which would be preserved upon completion of final closure, would provide a substantially greater benefit than creation and preservation of 4.72 acres and preservation of an additional 1.99 acres of Native Grassland, which is what would otherwise be required to mitigate direct impacts and meet the no net loss standard to fully mitigate cumulative impacts.

Response to Comment F2-25:

An EIR's evaluation of cumulative impacts may be based on a list of past, present, and probable future projects producing related impacts. See 14 Cal. Code Regs. §15130(b)(1)(A). A development proposal qualifies as a "probable future Project" once the environmental review process for that Project is underway, which does not occur until after a permit applications is filed. *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal. App. 3d 61. That court also noted that, because new Projects are continually entering the environmental review process, a lead agency may set a reasonable cutoff date for new Projects that will be included in the cumulative analysis. *Id.* at 74 n.14. The City of San Diego generally sets the cut-off date as the time of the Notice of Preparation. Here, not only was there no environmental process underway for the San Diego Community Power Project (SDCPP) proposed by ENPEX Corporation at the time the NOP for Sycamore Landfill was issued for public review, there is no such review underway today, nor is there any evidence that a permit application has as yet been filed. No one responded to the landfill NOP with a recommendation to consider the SDCPP in the analysis of the Sycamore Landfill Master Plan. The City has still not received any evidence that an application has been filed with any public agency, nor has the City received a notice that any environmental review, either under CEQA or the National Environmental Policy Act (NEPA) has commenced for that Project. It is merely a possible alternative to a separate and unrelated Project proposed by SDG&E.

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**Response to Comment F2-25: (cont'd.)**

The Sycamore Landfill Master Plan EIR contractor sent an email to the proponent of the SDCPP, ENPEX Corporation, requesting information as to the status of their permits. Their reply does not indicate that ENPEX has filed any permit application with any public agency.

The SDCPP is discussed as an alternative in the Sunrise Power Link EIR. The Sunrise Power Link EIR has not been certified and it is uncertain if the alternative that includes the SDCPP will be adopted or not. As such, the SDCPP is not yet considered a probable future Project. Therefore, no analysis of the SDCPP as a cumulative Project is required in the Sycamore Landfill Master Plan EIR.

In the event the SDCPP submits permit applications resulting in environmental review, it would be the responsibility of the permitting agency to analyze and report the cumulative impacts the proposed the SDCPP and the Sycamore Landfill Master Plan along with any other relevant cumulative Projects at that time.

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(cont'd.)

Ms. Shearer (FWS/CDPG-SAN-08B0434-08TA0473)

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cumulative impact analysis associated with the SDG&E Company Application for the Sunrise Powerlink Project (SCH# 2006091071). The project has the potential to indirectly affect MHPA lands in various issue areas.

F2-25  
(cont'd.)

3. The City of Santee draft Multiple Species Conservation Program Subarea Plan should be referenced under Section 5.25 City of Santee General Plan Update.

F2-26

**Sensitive Plant Translocation Plans**

1. Variegated Dudleya

It is not clear whether any consideration was given to selecting alternate conserved lands for translocation purposes, as opposed to restricting plants solely within the northern portion of APN 366-080-29. The variegated dudleya impacted by the proposed Project is present within seven populations distributed along the western ridge of Little Sycamore Canyon (over a linear distance of approximately 3000 feet). Consideration should be given to distributing plants over a broader area within MHPA land holdings if suitable environmental conditions exist on other conserved lands (as part of mitigation land requirements) that would similarly support translocation.

F2-27

Additionally, please provide the basis for the translocation performance criteria referenced in the plan. The plan identifies that less than 50 percent of the translocation and enhancement area will be covered by exotic weeds at the end of five years. We would strongly suggest that performance criteria be changed to 0 percent coverage for Cal-IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species. These conditions should be specified on all subsequent revegetation-related construction documents.

F2-28

According to the aerial photographs (i.e., Figure 4) associated with the proposed restoration site, there is a trail bisecting the revegetation area, along with trails on the periphery. The DEIR should provide additional information concerning the current use of the trails extending through the area and protective measures that are currently in place that would preclude subsequent impacts to all translocation areas. Similarly, this issue should be addressed for all other species proposed to be translocated into this area. The Wildlife Agencies strongly suggest that the City's Mitigation Monitoring and Coordination staff be actively involved in reviewing the adequacy of identified measures.

F2-29

2. Nuttall's Scrub Oak

The DEIR should provide further information regarding the height (or crown foliage) of existing scrub oak that would be removed. Besides the referenced survivorship requirements for the replacement of scrub oak, no further details have been provided as to the basis for the performance standard outlined within this plan and whether the current replacement compensates for the maturity of existing scrub oak. Depending upon the maturity of the scrub oak being impacted, consideration should be given to offsetting impacts at a higher mitigation ratio (either 4:1 or 5:1). Additionally, the Wildlife Agencies suggest that a larger number of *Quercus dumosa* be propagated at the onset of this portion of the project, so as to account for any unforeseen die-off or herbivory interaction that arises during the 5 year monitoring period. Subsequently, this would allow direct replacement during the first and second years, while remaining on track to achieve the 5 year performance criteria. If

F2-30

RESPONSES TO COMMENT LETTER RECEIVED FROM U.S. FISH AND WILDLIFE SERVICE/CALIFORNIA DEPARTMENT OF FISH AND GAME, SIGNED BY THERESE O'ROURKE/STEPHEN M. JUAREZ, DATED APRIL 10, 2008 (LETTER F2) (continued)

**Response to Comment F2-26:**

Santee's draft MSCP Subarea Plan Subarea Plan does not apply to the Project site. Santee's MSCP Subarea Plan will ultimately have to be consistent with the City of San Diego's MSCP Subarea Plan, thus its discussion would not add meaningfully to the analysis presented in the EIR.

**Response to Comment F2-27:**

APN 366-080-29 already has proven to be a successful location for the translocation of these species, with the appropriate soil, sun, moisture and other criteria. Although other locations nearby might also be suitable, the decision was made to continue translocation to this proven site to ensure successful completion of the mitigation.

**Response to Comment F2-28:**

The proposed translocation performance criteria came from the successful, previously-approved translocation plan (SDP/PPD 40-0765). The performance standard in the Dudleya Translocation Plan has been revised per the comment to require 0% coverage for Cal-IPC List A and B species and no more than 10% coverage for other exotic/weed species at the end of five years. This can be implemented since the Exotic Invasive Plant Removal Plan (EIPRP) (Appendix C7) addresses the removal of exotic invasive weeds on a quarterly basis.

**Response to Comment F2-29:**

As stated in the Translocation Plan, fencing and gates would be installed at strategic locations to protect the dudleya translocation and enhancement areas. The fences and gates would be installed prior to implementation of the Translocation Plan. The City's Mitigation Monitoring staff has been and would continue to be actively involved in reviewing the adequacy of the identified mitigation measures.

**Response to Comment F2-30:**

The scrub oaks are not mature, given that they only began growing after the Cedar fire in 2003. Since they are immature, the need for the higher mitigation ratio that may be required for impacts to mature scrub oaks is not applicable. As addressed in the Nuttall's Scrub Oak Mitigation Plan, protective cages would be placed around the plants to avoid herbivores, and the number of *Quercus dumosa* being provided already adequately compensates for reasonably anticipated die-off during the five-year monitoring period, thus propagating a larger number of *Quercus dumosa* is not required to lessen the impact to a less-than-significant level. In an effort to maximize the potential for at least ten Nuttall's scrub oaks to grow to maturity, MM 4.3.1 has been modified to provide for planting of an additional twenty Nuttall's scrub oaks

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RESPONSES TO COMMENT LETTER RECEIVED FROM U.S. FISH AND WILDLIFE SERVICE/CALIFORNIA DEPARTMENT OF FISH AND GAME, SIGNED BY THERESE O'ROURKE/STEPHEN M. JUAREZ, DATED APRIL 10, 2008 (LETTER F2) (continued)

Response to Comment F2-30: (cont'd.)

within APN 366-031-14, near the concentration of those plants already located in that parcel. The protective cages used for the plantings already reduce the potential for restriction of lateral growth by requiring appropriately sized mesh on the cages sufficient to facilitate lateral plant growth, thus no adjustment is necessary.

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protective cages are used for plantings, adjustments should be made to reduce the potential for restricting the lateral growth.

### 3. San Diego Coast Barrel Cactus

The translocation plan states "Also, coast barrel cactus will be translocated in excess of the impact amount to compensate for mortality and further the increase the probability of success". It is unclear from this statement if additional cacti are being collected beyond the 95 that identified to be impact by the proposed Project. Furthermore, page 4 of the aforementioned plan states that 160 cacti would be removed from an area that falls within the future development zone. Provide clarification within the DEIR as to the total proposed impacts to San Diego coast barrel cactus. Impact numbers to all SSC should accurately be reported throughout the DEIR.

### Exotic Invasive Plant Removal Plan (EIPRP)

1. Perennial pepperweed (*Lepidium latifolium*) has previously been reported near Kumeyaay Lake in Mission Trails Regional Park. We recommend that this species be included in Table 1 of the EIPRP. As part of adaptive management strategy associated with this plan, we also recommend that monitoring and reporting of high priority invasives involve notification to the County of San Diego's Department of Agriculture Weed Management Area Coordinator for county-wide tracking purposes.

### Other CEQA Requirements

There are multiple examples within the Biological Technical Report where the quantified acres of habitat impacts outlined in project related tables do not correspond to the same habitat acreage impacts referenced within the narrative. Consequently, there is inaccurate impact data that has been incorporated into the DEIR analysis. The DEIR should contain accurately summarized technical data, which sufficiently permits a full assessment of significant environmental impacts by governmental decision-makers and the public. In order to ensure that the impacts are accurately disclosed as part of the CEQA review process, we recommend reevaluating the data provided in the DEIR and correcting inaccuracies in the final EIR:

- The impacted acreage (outside the MHPA) referenced on page 32 of the Biological Technical Report, does not correspond to acreage impacts reported in Table 7 (Table 7 sums are incorrect) within said report.
- Acreage values reported in Table 4 (category – Diegan and disturbed coastal sage scrub outside MHPA) of the Biological Technical Report, does not correspond to the corresponding acreage value reported in Table 7.
- The impact acreage totals mentioned under section heading 1. *Vegetation Community Impacts* (page 32 of Biological Technical Report) does not correspond to impact total calculated in Table 4 (column heading – Inside MHPA/Outside MHPA) for this same report.
- Attachment 2 within the Biological Technical Report does not correspond to the Sycamore Canyon Landfill DEIR (i.e., enclosed Table entitled: SENSITIVE PLANT SPECIES WITH THE POTENTIAL FOR OCCURRENCE WITH THE 45<sup>TH</sup> AND BOSTON CANYON SURVEY AREA). Subsequently, no master list of wildlife species detected or observed for evaluation purposes has been provided in the DEIR. Please provide the correct list of wildlife species observed for the subject project.

## Comment Letter F2 (cont'd.)

F2-30  
(cont'd.)

F2-31

F2-32

F2-33

F2-34

RESPONSES TO COMMENT LETTER RECEIVED FROM U.S. FISH AND WILDLIFE SERVICE/CALIFORNIA DEPARTMENT OF FISH AND GAME, SIGNED BY THERESE O'ROURKE/STEPHEN M. JUAREZ, DATED APRIL 10, 2008 (LETTER F2) (continued)

### Response to Comment F2-31:

A total of 95 specimens of coast barrel cactus would be affected in the area of impact. Another 65 barrel cactus are subject to impacts under PDP/SDP 40-0765 (i.e., located in currently undeveloped portions of the approved staged development plan area). As a project feature, the applicant would translocate 65 barrel cactus, for a total to be translocated of 160. To summarize, the Project would impact 95 barrel cactus, and would translocate 160 barrel cactus, through both mitigation and as a project feature.

### Response to Comment F2-32:

As requested by the comment, the Exotic Invasive Plant Removal Plan (EIPRP) for the Sycamore Landfill Master Plan Project (2006) has been revised to include perennial pepperweed (*Lepidium latifolium*) in the list of exotic species detected or likely to occur within or adjacent to the SLI parcels, Table 1. Moreover, as requested in the comment, the monitoring and reporting of high priority invasives in the EIPRP has been revised to include notification to the County of San Diego's Department of Agriculture Weed Management Area Coordinator for county-wide tracking purposes.

### Response to Comment F2-33:

Revisions to the Biological Technical Report and to the EIR has been made in accordance with the specific comments provided below in Comments 34 and 35.

### Response to Comment F2-34:

Regarding the comment at bullet 1, Tables 4 and 7 and the discussion in the text of the Biological Technical Report, page 32, regarding impacted acreage (outside the MHPA) have been revised to 39.59 acres, consistent with Attachment 6.

Regarding the comment at bullet 2, Tables 4 and 7 and the discussion in the Biological Technical Report text regarding Diegan and disturbed coastal sage scrub outside the MHPA have been revised to 15.37 acres, consistent with Attachment 6.

Regarding the comment at bullet 3, Tables 4 and 7 and the discussion in on page 32 of the Biological Technical Report regarding vegetation community impacts have been revised consistent with Attachment 6.

Regarding the comment at bullet 4, an incorrect table from another project was inadvertently included as Attachment 2. Attachment 2 has since been revised to include provide the correct list of wildlife species observed or detected on the Project site, and is included in the FEIR. Sensitive plant species observed or with potential to occur were and are provided in Attachment 3.

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Comment  
Letter F2  
(cont'd.)

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- Page 32 – Mule fat scrub is not included in narrative of vegetation community impacts.
- 21.82 acres of chamise chaparral impacts is referenced on page 39 of the Biological Technical Report, whereas 11.47 acres is referenced in Table 4 of the same report (DEIR states 10.61 acres). Furthermore, Table 4 states 2.14 acres native grassland impact, whereas 0.48 acre impact (under section heading 3. Sensitive Biological Resource Impacts) is referenced in the narrative. Likewise, the acreage totals for Diegan and disturbed coastal sage scrub reported in Table 4 does not correspond to acreage totals for this habitat category in the narrative (under section heading 3. Sensitive Biological Resource Impacts).
- Per Attachment 6 of the Biological Technical Report, the impact acreage total for MHPA - Landfill expansion and ancillary facilities sum to 14.69 acres, whereas impact acreage in Section f. Multi-Habitat Planning Area (page 45) of this same report, mentioned 13.86 acres of MHPA lands.
- Reporting errors exist for impact acres between Attachment 6 and impact acres reported in Section f. Multi-Habitat Planning Area (page 45 of the Biological Technical Report). For example, 13.58 acres of long-term impact (Attachment 6 -row heading long-term impact only for MHPA), whereas 11.43 acres of long-term impact (20.06% of MHPA reported) is stated in narrative. Furthermore, Attachment 6 references 6.96 acres of long-term impacts to Tier III and IV habitats, whereas narrative states 5.88 acres for the respective Tiers.
- Under section heading 1. Vegetation Community Impacts (page 62, Biological Technical Report), the permanent impact acreage (inside/outside MHPA) mentioned within narrative does not correspond to impact acres referenced in Table 9 of the same report.
- Table 9 (i.e., Biological Technical Report) includes an impact to native grassland (Structures and Access Roads) outside the MHPA; however, Table 10 within the same report does not reference that impact. All mitigation acreages mentioned in section B. Mitigation Measures should correspond to mitigation requirements referenced in Table 10, along with corresponding to mitigation measure referenced in the DEIR.
- The impact acreages mentioned under section heading f. Multi-Habitat Planning Area (i.e., Biological Technical Report) does not correspond to acreage impact in Attachment 6 (e.g., 14.08 long-term transmission line relocation impacts does not correspond to impact values reported in Attachment 6).
- The required mitigation (15.37 acres) for coastal sage scrub (LF outside MHPA) identified in Table 4.3-3 of the DEIR does not correspond to mitigation acreage referenced in Table 7 of the Biological Technical Report (i.e., 14.84 acres).
- In Table 7 (Biological Technical Report) the impacts column heading Total Inside MHPA does not match the Impact Totals-MHPA category reported in Table 4.3-3 of the DEIR. Furthermore, Total Outside MHPA reported in Table 7 does not correspond to Totals- Non-MHPA reported in Table 4.3-3. It would be beneficial if the impacts to sensitive vegetation communities identified in the biological technical appendix corresponded to biological impact data referenced in the DEIR; including total impacts for all sensitive habitat categories (e.g., required mitigation).
- The impact acreages mentioned in section heading 4.3.4.3 Significance of Impact, of the DEIR does not correspond to the values in Table 4.1.1 Sycamore Landfill Master Plan – Master Table of Areas.

F2-35

RESPONSES TO COMMENT LETTER RECEIVED FROM U.S. FISH AND WILDLIFE SERVICE/CALIFORNIA DEPARTMENT OF FISH AND GAME, SIGNED BY THERESE O'ROURKE/STEPHEN M. JUAREZ, DATED APRIL 10, 2008 (LETTER F2) (continued)

Response to Comment F2-35:

Regarding the comment at bullet 1, page 32 of the Biological Technical Report text has been revised to include mule fat scrub in the list of vegetation community impacts.

Regarding the comment at bullet 2, the 11.47 acre value for chamise chaparral in Table 4 is correct, as shown in Attachment 6, and the text of the Biological Technical Report, page 41, as well as the EIR have been revised consistent with Attachment 6 to be consistent. The 2.14 acres of native grassland listed in Table 4 is correct, and the text on page 41 of the Technical Report has been revised to match.

Regarding the comment at bullet 3, the text in the Biological Technical Report is correct. This text refers to 13.86 acres of impact to sensitive habitats; whereas the impact total of 14.68 acres refers to all impacted habitats, including both sensitive and non-sensitive habitats.

Regarding the comment at bullet 4, the text, now on pages 47 and 48, has been revised to reflect these corrected numbers, 13.58 and 6.96 acres.

Regarding the comment at bullet 5, Tables 4 and 7 and the discussion the text in the Biological Technical Report, now page 64, has been revised to 0.21 acre of sensitive habitats impacted within the MHPA, and 0.34 acre outside the MHPA, for a total of 0.55 acre, consistent with Table 9 regarding impacted acreage have been revised consistent with Attachment 6. Table 9, however, does show 0.01 acre of developed land, which would be affected by the Project, increasing the total to 0.56 acre.

Regarding the comment at bullet 6, the values for long-term impact by the transmission line to DCSS/NG habitat within the MHPA has been revised from 0.02 to 0.01 acres, consistent with the biology master table, Attachment 6 in EIR Appendix C1. The mitigation requirement has been revised to 0.02 acres in the text in Section B, consistent with the value in revised Table 10. These values are now consistent with those provided in the EIR.

Regarding the comment at bullet 7, the 14.08 acre value in the text of the Biological Technical Report (page 47) has been revised to 13.58 acres, consistent with Attachment 6.

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RESPONSES TO COMMENT LETTER RECEIVED FROM U.S. FISH AND WILDLIFE SERVICE/CALIFORNIA DEPARTMENT OF FISH AND GAME, SIGNED BY THERESE O'ROURKE/STEPHEN M. JUAREZ, DATED APRIL 10, 2008 (LETTER F2) (continued)

Response to Comment F2-35: (cont'd.)

Regarding the comment at bullet 8, 15.37 acres of impact and mitigation for CSS habitat in EIR Table 4.3-3 is consistent with the 14.84 acres of CSS plus 0.53 acres of disturbed CSS referenced in is correct and consistent with Attachment 6. Tables 4 and 7 of the Biological Technical Report have been revised to show 15.37 acres of impact to CSS habitat.

Regarding the comment at bullet 9, the data tables for impact to MHPA habitats in the Biological Technical Report and the EIR have been revised consistent with Attachment 6. The total acreage in Tables 7 of the Biological Technical Report and 4.3-3 of the EIR do not match because they reflect different information. Table 7 includes all vegetation communities within and outside MHPA, whereas Table 4.3-3 includes only sensitive upland communities. In addition, Table 7 reflects only Landfill and Ancillary Facilities, whereas Table 4.3-3 also includes the Transmission Lines.

Regarding the comment at bullet 10, the values in Section 4.3.4.3 are correct; they were derived from the biology master table, Attachment 6 in EIR Appendix C1. Several values in EIR Table 4.1-1 have been adjusted to ensure consistency with Attachment 6. The only difference now is that the 11.77 acre value in the text shows as 11.86 acres in Table 4.1-1, and 38.29 acres shows as 38.38 acres in Table 4.1-1, a consequence of the 0.09 acres of wetland habitat included in Table 4.1-1, and NOT included in the upland habitats listed in Table 4.3-3, and in the cited text.

The above revisions to the EIR merely clarify the EIR, and does not constitute new, significant information; therefore, recirculation is not required.

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# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

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Comment  
Letter S1



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COWARD

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March 25, 2008

Ms Elizabeth Shearer-Nguyen  
City of San Diego  
1222 First Avenue, MS-501  
San Diego, CA 92101-4135

**Subject:** SCH No. 2003041057 – A Draft Environmental Impact Report for a proposed Master Plan to provide additional landfill disposal capacity at Sycamore Landfill, Solid Waste Facility Permit (SWFP) No. 37-AA-0023, City of San Diego, County of San Diego

Dear Ms Shearer-Nguyen:

Thank you for allowing the California Integrated Waste Management Board's (Board) staff to provide comments for this proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

Board staff has reviewed the environmental document cited above and offers the following project description, analysis and our recommendations for the proposed project based on our understanding of the project. If the Board's project description varies substantially from the project as understood by the Lead Agency, Board staff requests incorporation of any significant differences in the Final Environmental Impact Report.

## PROPOSED PROJECT DESCRIPTION

The City of San Diego Development Services Department, acting as Lead Agency, has prepared and circulated a Draft Environmental Impact Report proposing to:

- increase landfill capacity from 71 million cubic yards to 157 million cubic yards;
- phased increase in daily tonnage limits for Municipal Solid Waste up to 13,000 tons per day in 2025, although annual tonnage currently is limited by the Franchise Agreement at 3965 tons per day;

RESPONSES TO COMMENT LETTER RECEIVED FROM CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, SIGNED BY RAYMOND M. SEAMANS, DATED MARCH 25, 2008 (LETTER S1)

### Response to Comment S1-1:

Comment noted. This comment summarizes the EIR's Project description and summary of impacts, and does not comment on the adequacy of the EIR. Note that the CIWMB table titled "Entitlement for Sycamore Landfill" should be revised. The center column should be labeled "Current Entitlements 2006 SWFP" since the current Solid Waste Facility Permit (SWFP) was issued in 2006, not 2004 as the CIWMB had labeled it. In Row 4, Column 1, the heading should read "Maximum Permitted Municipal Solid Waste Tonnage for Disposal" to make clear that the number listed in that row is only related to municipal solid waste to be disposed of in the landfill. Also, the maximum numbers for each tonnage currently listed in the third column of that table should be revised to reflect the maximum entitlement – currently reflected in the table's footnotes. For example, the maximum municipal solid waste to be authorized would be 13,000 tpd, and that number should be reflected on the table in column 3. The footnote to the table should similarly be revised to reflect that the tonnage increases over time, beginning at 6800 tpd upon Project approval; 9400 tpd in 2010, etc. The phasing in the Project has not changed from that listed in the EIR, and all traffic improvements and other mitigation measures required before tonnage can increase remain in place. The City agrees that the fact an action is not prohibited does not mean it has been approved. In addition, the heading on row 14, column 1 should be revised to "Maximum Permitted Tickets Per Day", and the numbers in column 3 of that row changed accordingly. A table reflecting these revisions is set forth below.

S1-1

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Comment  
Letter S1  
(cont'd.)

DEIR Sycamore Landfill

March 25, 2008

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- new long term disturbance of less than 39 acres of additional sensitive habitat resulting from proposed development of the landfill, landfill ancillary facilities and relocation of transmission lines with an approximate 26 acre increase in the disposal footprint;
- a vertical expansion of 167 feet to a maximum elevation of 1050 feet above mean sea level;
- estimated closure date of 2028, depending on limits established by the Franchise Agreement;
- increased hours of operation;
- relocation of power transmission lines;
- continued processing and removal of aggregate materials;
- processing of green and wood waste;
- processing of construction and demolition materials;
- composting;
- future expansion of the exist co-generation plant and
- increasing solid waste truckloads to 1295 per day from 7 pm to 7 am not to exceed 259 per hour.

Entitlement for Sycamore Landfill

	Current Entitlements 2004 SWFP	Proposed Entitlements
Total Permitted Acreage	491 acres	519 acres
Permitted Disposal Acreage	324 acres	358.2 acres
Total Capacity	71 mcy	151 mcy
Maximum Permitted Tonnage for Disposal	3965 tons per day	6800 tons per day <sup>1</sup>
Construction and Demolition Debris		500 tons per day <sup>2</sup>
Greens		650 tons per day <sup>3</sup>
Imported Base Material		400 tons per day
Class B Biosolids		400 tons per day <sup>4</sup>
Other Recyclables		7 tons per day <sup>5</sup>
Total Material Received		9000 tons per day <sup>7</sup>
Peak Elevation	883 feet above mean sea level	1050 feet above mean sea level
Maximum Depth	434 feet above mean sea level	No change
Estimated Closure	2031	2028
Maximum Permitted Vehicles per Day	620	1520 <sup>1</sup>
Hours of Operation	6:00 AM - 4:30 PM M-F 6:00 AM - 4:00 PM S-S	24 hours per day

S1-1  
(cont'd.)

RESPONSES TO COMMENT LETTER RECEIVED FROM CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, SIGNED BY RAYMOND M. SEAMANS, DATED MARCH 25, 2008  
(LETTER S1) (continued)

Response to Comment S1-1: (cont'd.)

Entitlement for Sycamore Landfill		
	Current Entitlements 2006 SWFP	Proposed Entitlements
Total Permitted Acreage	491 acres	519 acres
Permitted Disposal Acreage	324 acres	358.2 acres
Total Capacity	71 mcy	157 mcy
Maximum Permitted MSW Tonnage for Disposal	3,965 tons per day	13,000 tons per day <sup>1</sup>
Construction and Demolition Debris		958 tons per day <sup>2</sup>
Greens		1,246 tons per day <sup>4</sup>
Imported Base Material		400 tons per day
Class B Biosolids		766 tons per day <sup>5</sup>
Other Recyclables		13 tons per day <sup>6</sup>
Total Material Received		16,700 tons per day <sup>7</sup>
Peak Elevation	883 feet AMSL	1,050 feet AMSL
Maximum Depth	434 feet AMSL	No change
Estimated Closure	2031	2028
Maximum Permitted Tickets per Day	620	2,650 <sup>3</sup>
Hours of Operation	6:00 AM - 4:30 PM M-F 6:00 AM - 4:00 PM S-S	24 hours per day

Notes:

- <sup>1</sup> 6,800 tons per day at Project approval, 8,400 tons per day in 2010, 10,700 tons per day in 2015, 11,800 tons per day in 2020 and 13,000 tons per day in 2025 and thereafter, until closure.
- <sup>2</sup> Estimated 3% per year increase from 500 tons per day at Project approval, reaching up to 877 tons per day in 2025 and 958 tons per day in 2028.
- <sup>3</sup> Peak number of tickets. This number would escalate with increases in tonnage from 1,250 at Project approval to 1,900 in 2010/2011, 2,100 in 2015/2016, 2,600 in 2020/2021 and 2,650 from 2025/2026 until closure.
- <sup>4</sup> Estimated four percent per year increase, from 650 at Project approval. Reaching up to 1,140 tons per day in 2025 and 1,246 tons per day in 2028.
- <sup>5</sup> Estimated four percent per year increase, from 400 tons per day at Project approval. Reaching up to 701 tons per day in 2025 and 766 tons per day in 2028.
- <sup>6</sup> Increasing to 13 tons per day in 2028, from 7 at Project approval.
- <sup>7</sup> Increasing to 16,700 tons per day in 2028, from 9,000 tons per day at Project approval. Daily totals rounded up.

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# Comment Letter S1 (cont'd.)

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- 1 9,400 tons per day in 2010, 10,700 tons per day in 2015, 11,800 tons per day in 2020 and 13,000 tons per day in 2025 and thereafter, until closure.
- 2 Estimated three percent per year increase, reaching up to 877 tons per day in 2025 and 958 tons per day in 2028.
- 3 Peak number of vehicle round trip, one trip in and one trip out would equal a round trip. This number would escalate with increases in tonnage to 2,635 in 2010/2011, 2,925 in 2015/2016, 3,170 in 2020/2021 and 3,440 from 2025/2026 until closure.
- 4 Estimated four percent per year increase. Reaching up to 1,140 tons per day in 2025 and 1,246 tons per day in 2028.
- 5 Estimated four percent per year increase. Reaching up to 701 tons per day in 2025 and 766 tons per day in 2028.
- 6 Increasing to 13 tons per day in 2028.
- 7 Increasing to 16,700 tons per day in 2028. Daily totals rounded up.

There were seven areas where impacts were considered significant, with mitigation, four of those impacted areas were considered less than significant and three were considered Significant and Unmitigatable:

## Less than Significant with Mitigation

- Land Use
- Biological Resources (all other)
- Paleontological Resources
- Noise

## Significant and Unmitigatable

- Landform Alteration/Visual Quality
- Biological Resources (cumulative impacts to Native Grasslands)
- Traffic/Circulation/Parking
- Air Quality/Odor and cumulative impacts to Greenhouse Gases/Climate Change

## BOARD STAFF'S COMMENTS

As a Responsible Agency for Solid Waste Facilities Permit concurrence, Board staff will conduct an environmental analysis for this project, using the Draft Environmental Impact Report developed by the Lead Agency, in accordance with Title 14, California Code of Regulations (14 CCR), Section 15096. To assist in our review of the Draft Environmental Impact Report for Solid Waste Facilities Permit concurrence purposes, Board staff request that the following comments and questions be considered and addressed in the Final Environmental Impact Report.

For clarity and convenience, questions and comments that Board staff is seeking a specific response to will be *italicized* so the reader can more easily locate and respond to them. Board staff will also make statements that in their opinion are fact, if those statements are incorrect or unclear please notify Board staff. *By the environmental document not specifically prohibiting an action or activity that does not give tacit approval to perform that action or activity.*

## S1-1 (cont'd.)

## RESPONSES TO COMMENT LETTER RECEIVED FROM CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, SIGNED BY RAYMOND M. SEAMANS, DATED MARCH 25, 2008 (LETTER S1) (continued)

### Response to Comment S1-2:

This comment summarizes the California Integrated Waste Management Board's (CIWMB) role as a responsible agency under CEQA and references the fact it has more specific comments and questions later in the letter. *The specific responses to those comments and questions follows the specific comments and questions, set forth in Responses to Comments S1-3 through S1-16 below.*

## S1-2

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Comment  
Letter S1  
(cont'd.)

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## Statement of Overriding Considerations

Significant impacts after mitigation to the environment have been identified in the area of Landform Alteration/Visual Quality, Biological Resources (cumulative impacts to Native Grasslands), Traffic/Circulation/Parking and Air Quality/Odor and cumulative impacts to Greenhouse Gases/Climate Change. Please forward the Statement of Overriding Considerations to the Board prior to adoption by the approving agency.

## Final Elevation

The environmental document indicated that the final elevation is 1050 feet above mean sea level – is that with or without final cover? If it is not with final cover what will be the elevation at closure with final cover?

## Permitted Site

The environmental document indicates that the site is 493 acres prior to this expansion; the current Solid Waste Facility Permit indicates the site to be 491 acres. What is the correct permitted site acreage?

## Alternative Daily Cover

The environmental document indicates that only ground greens and wood waste will be used for Alternative Daily Cover. Are there any other types alternative daily cover anticipated for use? There are a number of types of Alternative Daily Cover approved by the Board; to be used there needs to be a site specific analysis.

## Acceptance of Waste

Sycamore Landfill may accept all type of wastes allowed under 27 CCR Sections 20220 and 20230, including dewatered sludge, water treatment sludge and incinerator ash.

## Traffic/Peak Traffic

On page ES-4 it is stated "Limiting of (7:00 PM to 7:00 AM) solid waste truckloads to 1295 per day and no more than 259 per hour (noise)." It appears that solid waste is only received between 7:00 PM and 7:00 AM. Please clarify what the peak traffic entering the landfill on a daily basis, including any limitations.

S1-3

S1-4

S1-5

S1-6

S1-7

S1-8

RESPONSES TO COMMENT LETTER RECEIVED FROM CALIFORNIA INTEGRATED WASTE  
MANAGEMENT BOARD, SIGNED BY RAYMOND M. SEAMANS, DATED MARCH 25, 2008  
(LETTER S1) (continued)

## Response to Comment S1-3:

The City will provide the draft Candidate Findings and draft Statement of Overriding Considerations to the CIWMB; however, the document is not final until adopted by the City Council.

## Response to Comment S1-4:

The 1,050-foot AMSL proposed maximum elevation includes the final cover.

## Response to Comment S1-5:

At least two environmental documents use 493 acres (1999 Negative Declaration (ND), 2002 Mitigated Negative Declaration (MND)), and to be consistent with that prior acreage the EIR used the 493 acreage number as well. The 491-acre number from the SWFP is consistent with the acres as determined by the San Diego County Assessor (491.26 acres) and the Project engineer (491.22 acres). As a result, the EIR has been revised to reflect the 491 acre number. The 2-acre difference is immaterial to the impact analysis.

## Response to Comment S1-6:

Section 2.3.1.4 of the EIR states "In the future, SLI may apply to the LEA and the RWQCB for approval to use other listed ADCs, under procedures set for the materials covered by the regulations in Title 27. These approved ADCs presently include geo-synthetic fabric products, foam products, processed green material, sludge and sludge derived materials, ash and cement kiln dust materials, treated auto shredder waste, contaminated sediments, dredged spoils, construction and demolition wastes and shredded tires." SLI intends to use any of these products in the future for alternate daily cover. The analysis of the use of each of these alternative daily cover (ADC) materials was found not to create any significant impacts, as is discussed in the FEIR in Section 7.9. It is the intent of SLI that this EIR be the CEQA environmental document for the site-specific analysis of each of the listed alternate daily cover materials.

The following text has been added to Section 3.2.2.5 - Operational Practices on page 3-36: "In the future, SLI may apply to the LEA and the RWQCB for approval to use other listed ADCs, under procedures set for the materials covered by the regulations in Title 27. These approved ADCs presently include geo-synthetic fabric products, foam products, processed green material, sludge and sludge derived materials, ash and cement kiln dust materials, treated auto shredder waste, contaminated sediments, dredged spoils, foundry sands, energy resource exploration and production waste, compost, construction and demolition wastes, shredded tires, and soils with contaminants other than petroleum hydrocarbons which has been approved for use as a landfill daily cover by the RWQCB and any other governmental agencies from which approval

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RESPONSES TO COMMENT LETTER RECEIVED FROM CALIFORNIA INTEGRATED WASTE  
MANAGEMENT BOARD, SIGNED BY RAYMOND M. SEAMANS, DATED MARCH 25, 2008  
(LETTER S1) (continued)

Response to Comment S1-6: (cont'd.)

is required. The applicant intends to use any of these materials/products in the future for ADC. The analysis of the use of each of these ADC materials has been more specifically called out in section 7.9 in the FEIR. It is the intent of the Applicant that this EIR be the CEQA environmental document for the site-specific analysis of each of the listed alternate daily cover materials."

Response to Comment S1-7:

Comment noted. Section 2.3.1.1, Existing Landfill Design, describes Sycamore Landfill as a Class III landfill and explains that Sycamore Landfill is approved to accept and/or manage all wastes under Sections 20220 and 20230 of Title 27 of the California Code of Regulations. In addition, Section 3.2.2.5 of the EIR has been revised to state that "the operational practices related to disposal of solid waste under the new master plan would not vary significantly from current practices as described in sections 2.3.1.1, 2.3.1.4 and 2.3.1.5."

Response to Comment S1-8:

Proposed peak traffic entering the landfill on a daily basis would be 3,040 vehicles (6,080 ADT) as shown on EIR Tables 3.2-4 and 4.4-2. Of this, no more than 1,295 trucks would be allowed to enter in the evening or at night (i.e., between the hours of 7:00 PM and 7:00 AM). In addition, no more than 259 of these 1,295 trucks would be allowed to enter in any given hour from 7:00 PM to 7:00 AM.

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Comment  
Letter S1  
(cont'd.)

## Disposal Capacity

On page J-2 it is stated that "volumetric capacity would be increased by approximately 86 million cubic yards." If you add the existing 71 million cubic yards to the approximately 86 million cubic yards you get approximately 157 million cubic yards, not the 151 million cubic yards as stated in multiple locations throughout the environmental document. *Please clarify the actual approximate number of cubic yards of volumetric capacity after this proposed expansion.*

## Composting

As far as requiring an additional permit to compost at a fully permitted landfill, none would be required at this time, the composting would be done under the full Solid Waste Facilities Permit for landfill operations. This is subject to change and the final decision would be made by the Local Enforcement Agency.

At such time as this site is permitted as a full Solid Waste Facility to compost, an Odor Impact Minimization Plan must be prepared. Information can be found at <http://www.cwmb.ca.gov/regulations/Title14/ch31.htm#article3> or refer to 14CCR Section 17863.4.

*Board staff recommends that since there appears to be odor impacts from the existing landfill operations an Odor Impact Minimization Plan might be developed now for use in minimizing present odors.*

### Peak Tonnage

The table presented (Table 3.2-3) lists all the types of material to be received by the landfill by tonnage. The last two columns, column 9 and 10 reference average tonnages. Board staff needs to have specific or peak tonnages per day. *Please either disclose the peak tonnages or affirm that the "averages" are in fact the peak tonnages to be received on a daily basis. What is the peak tonnage of aggregate leaving the site on a daily basis, if known?*

Board staff is of the understanding that the peak daily tonnage for Municipal Solid Waste would escalate periodically beginning at 6800 tons per day. The environmental document states "Of course, the actual tonnage accepted on a daily basis would vary, with the 13,000 tpd representing the maximum amount that could be accepted on any given day." *Is it the intent that the peak tonnage is 13,000 tons per day from the time this environmental document is certified and a new Solid Waste Facilities Permit is concurred on by the Board? If not, please clarify the peak tonnages for Municipal Solid Waste.*

S1-9

S1-10

S1-11

S1-12

RESPONSES TO COMMENT LETTER RECEIVED FROM CALIFORNIA INTEGRATED WASTE  
MANAGEMENT BOARD, SIGNED BY RAYMOND M. SEAMANS, DATED MARCH 25, 2008  
(LETTER S1) (continued)

**Response to Comment S1-9:**

Both in the first bullet in Section 3.2.1 and in EIR table 3.2-1, the approximate total landfill volume is misstated. The actual Project landfill capacity should be approximately 157 mcy, not 151 mcy. This has been corrected in Section 3.2.2.3 of the FEIR. The first sentence in Section 3.2.2.3 has been corrected to read, "The estimated total volumetric capacity of Sycamore Landfill, if developed according to the master plan, is approximately 157 million cubic yards (mcy)."

**Response to Comment S1-10:**

Comment noted. The Project expects to submit a supplemental application to the Air Pollution Control District (APCD) for composting operations with screen units before beginning composting. Before beginning composting, per the CIWMB requirement, the applicant would confirm that an adequate Odor Impact Minimization Plan had been prepared. As described in Section 4.7.3 of the EIR, the landfill has made significant efforts to minimize odors from existing operations, including through preparation and implementation of Sycamore Landfill's Odor Management Plan, submitted to the LEA in conformance with 14 CCR Section 17863.4, a copy of which is found in Appendix B of Appendix G (Odor Assessment). It is contained in Volume II of the Technical Appendices to the EIR.

**Response to Comment S1-11:**

The heading of column 9 in Table 3.2-3 is correct, showing the expected averages. The last column heading has been revised to read, "Requested Daily Tonnage Limit." It is this column that discloses the peak tonnages to be received on a daily basis. It is not anticipated that more than 6000 tons per day of aggregate would be removed from the site.

**Response to Comment S1-12:**

Initially the peak tonnage of municipal solid waste (MSW) received would be 6,800 tpd with the total of all wastes and materials having a peak of 9,000 tpd. It is the intent that at full buildout the peak tonnage for solid waste be 13,000 tons per day (16,700 tpd for all waste streams received) from the time the environmental document is certified and a new Solid Waste Facility permit is concurred on by the CIWMB and issued by LEA, subject to the stepped mitigation measures to be implemented as each higher level of tonnage is reached.

# Comment Letter S1 (cont'd.)

## Hours of Operation

The Construction and Demolition Debris Processing and Greens Processing will operate Monday through Friday, 6 AM through 8 PM. Maintenance Operations are anticipated to go on 24 hours per day. Aggregate Operations will continue Monday through Friday 6 AM through 4:30 PM and Saturday 6 AM through 4 PM. Public drop-off and recycling will operate from 7 AM through 6 PM Monday through Saturday.

*This environmental document leaves operational hours and days of operation relatively open and it is not the Board's desire to limit those hours and days of operation but would like to know what is being done and when. As an example, when will the landfill working face be "closed" or when will Municipal Solid Waste be received? Especially with 24 hour operations within a city or near a city, there is the concern regarding continual impacts from noise, ground shaking, air quality and glare from nighttime operations to mention a few.*

## Daily Cover

*If there will be continual disposal of waste at the working face, when and under what circumstances will daily cover/alternative daily cover be applied?*

## Landfill Operations

In trying to decipher what days and hours the landfill is to operate for disposal Section 3.2.2.4 states "Actual hours of operation would be set by the Landfill General Manager, based on the balancing of many competing operational considerations." Which in Board staff's opinion leaves hours for receipt of Municipal Solid Waste and disposal thereof open for determination by the landfill operator. Please indicate the hours for the receipt of waste.

## Mitigation Measures

The Mitigation Reporting or Monitoring Program should also indicate that agencies designated to enforce mitigation measures in the Environmental Impact Report have reviewed the Mitigation Reporting or Monitoring Program and agreed that they have the authority and means to accomplish the designated enforcement responsibilities.

## SUMMARY

The Board staff thanks the Lead Agency for the opportunity to review and comment on the Draft Environmental Impact Report and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

## RESPONSES TO COMMENT LETTER RECEIVED FROM CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, SIGNED BY RAYMOND M. SEAMANS, DATED MARCH 25, 2008 (LETTER S1) (continued)

### Response to Comment S1-13:

The Project proposes operating for up to 24 hours per day, although the exact hours of operation would depend on what was required in to meet the region's waste disposal needs. It is unlikely that operations would extend to 24 hours per day in the near-term, but to ensure that all impacts were analyzed and to provide the landfill with the necessary flexibility required to adequately manage the region's waste, 24-hour operations were requested.

### Response to Comment S1-14:

When the landfill is operating 24 hours a day, seven days a week, daily or alternate daily cover (ADC) would be applied each day during specified hours. ADC also may be applied to areas of disposal cells that may require daily cover as fill patterns change.

### Response to Comment S1-15:

Comment noted. See Response to Comment S1-13, above. As described therein, the EIR's analysis covers 24-hour operations, allowing the hours for receipt of municipal solid waste (MSW) and disposal thereof to be up to the determination of the landfill operator based on best management practices, waste disposal needs, traffic considerations, and other relevant factors. Limits may be placed on operating hours by the CIWMB as part of the SWFP, but the Project applicant believes that allowing flexibility in hours to meet demand and manage traffic is preferred and in order to have that flexibility requested consideration of 24-hour-day operating hours as part of its application.

### Response to Comment S1-16:

As shown in the MMRP, included in Chapter 13 of the FEIR, the agency designated to enforce each of the mitigation measures is the City of San Diego Development Services Department or other City Departments or Programs as specified. As the lead agency, the City has reviewed the MMRP and has determined that it has the authority and means to accomplish the enforcement of the MMRP.

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# Comment Letter S1 (cont'd.)

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The Board staff requests copies of any subsequent environmental documents including, the Final Environmental Impact Report, the Report of Facility Information/Joint Technical Document, any Statements of Overriding Consideration, copies of public notices, and any Notices of Determination for this project.

Please refer to 14 CCR, § 15094(d) that states: "If the project requires discretionary approval from any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the notice of determination with the Office of Planning and Research [State Clearinghouse]."

The Board staff requests that the Lead Agency provide a copy of its responses to the Board's comments at least ten days before certifying the Final Environmental Impact Report. Refer to Public Resource Code, Section 21092.5(a).

If the document is certified during a public hearing, Board staff request ten days advance notice of this hearing. If the document is certified without a public hearing, Board staff requests ten days advance notification of the date of the certification and project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.341.6728 or e-mail me at [rscamans@ciwmb.ca.gov](mailto:rscamans@ciwmb.ca.gov).

Sincerely,



Raymond M. Seamans  
Waste Compliance and Mitigation Program  
Permitting and LEA Support Division  
South Branch Permitting  
Environmental Review  
California Integrated Waste Management Board

cc: Bill Marciniak  
Waste Compliance and Mitigation Program  
Permitting and LEA Support Division  
South Branch Permitting, Region 4  
California Integrated Waste Management Board

Lillian Conroe, Supervisor  
Waste Compliance and Mitigation Program  
Permitting and LEA Support Division  
South Branch Permitting, Region 4  
California Integrated Waste Management Board

S1-17

RESPONSES TO COMMENT LETTER RECEIVED FROM CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, SIGNED BY RAYMOND M. SEAMANS, DATED MARCH 25, 2008  
(LETTER S1) (continued)

## Response to Comment S1-17:

Pursuant to Section 21092.5(a) of CEQA, the City will provide a copy of the FEIR, which includes the Responses to Comments, to the CIWMB ten days prior to certifying the FEIR.

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DEIR Sycamore Landfill

March 25, 2008

Comment  
Letter S1  
(cont'd.)

Bill Prinz, Program Manager  
City of San Diego  
Development Services Department  
1010 Second Avenue, Suite 600 MS 606L  
San Diego, CA 92101-4998

Neil Mohr (via email)

- 8 -

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000036



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT

Comment

Letter S2



CYNTHIA BRYANT  
DIRECTOR

### Memorandum

Date: March 24, 2008  
To: All Reviewing Agencies  
From: Scott Morgan, Senior Planner  
Re: SCH # 2003041057  
Sycamore Landfill Master Plan

S2-1

The Lead Agency has corrected some information regarding the above-mentioned project. Please see the attached materials for more specific information. All other project information remains the same.

RESPONSES TO COMMENT LETTER RECEIVED FROM STATE OF CALIFORNIA, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE AND PLANNING UNIT, SIGNED BY TERRY ROBERTS, DATED MARCH 24, 2008 (LETTER S2)

#### Response to Comment S2-1:

Comment noted. In this transmittal, OPR documents the correction made by the City of San Diego to previously identified public review dates. This comment does not address the adequacy of the EIR, thus no response is required.

cc: Elizabeth Shearer-Nguyen  
City of San Diego  
1222 First Avenue, MS-501  
San Diego, CA 92101-4135

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

000037



THE CITY OF SAN DIEGO

Comment  
Letter S2  
(cont'd.)

March 24, 2008

Ms. Laura Lynn Gilmore  
State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814



SENT VIA FACSIMILE

SUBJECT: Draft Environmental Impact Report for the Sycamore Landfill Master Plan  
(Project No. 5617/SCH No. 2003041057)

To Whom It May Concern:

The City of San Diego's Land Development Review Division submitted the above referenced project to the State Clearinghouse as required per CEQA Section 15085. The Notice of Completion that was completed for the project inadvertently referenced the wrong project description. The following is the corrected project description for the above-referenced project:

**SYCAMORE LANDFILL MASTER PLAN:** EAST ELLIOTT COMMUNITY PLAN AMENDMENT, AMENDMENT OF THE PROGRESS GUIDE AND GENERAL PLAN, REZONING OF THE SITE TO IH-2-1 (INDUSTRIAL), AMENDMENT TO PLANNED DEVELOPMENT PERMIT/SITE DEVELOPMENT PERMIT, APPROVAL OF A CONSOLIDATED PARCEL MAP, PUBLIC RIGHT OF WAY AND EASEMENT VACATIONS, GRANT DEED, AND ROADWAY ENCROACHMENT PERMIT for the continued development of Sycamore Landfill. Under the Master Plan, the landfill footprint would increase by approximately 24 acres on the western side of the site, and the maximum height of the facility would increase by approximately 167 feet, to a maximum height of 1,050 feet AMSL. This would result in an increase in municipal solid waste (MSW) capacity from approximately 71 million cubic yards (mcy) under the current plan, to 151 mcy. Under the Master Plan, the average daily waste tonnage is proposed to increase from the current 3,965 tons per day (tpd) to a maximum of 13,000 tpd, anticipated to occur in 2025, with the increases proposed in a series of steps, depending on when and at what rate solid waste is generated in the region. To facilitate the expansion, new ancillary facilities, including larger sedimentation basins, a larger

S2-1  
(cont'd.)

Development Services

1775 First Avenue, MC 611 • San Diego, CA 92101-4155

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Page 2

Ms. Laura Lynn Gilmore

State Clearinghouse/Sycamore Landfill Master Plan

March 24, 2008

Comment

Letter S2

(cont'd.)

scales area, a maintenance area, and a new administrative office would be constructed south of the landfill. The project site is generally bound by MCAS Miramar to the north, the eastern ridge line of Little Sycamore Canyon to the east, SR-52 to the south, and the western ridge line of Little Sycamore Canyon to the west. The Project is within the East Elliott Community Planning Area. (LEGAL: Assessor's Parcel Numbers (APNs) 366-041-01, 366-080-57, 366-031-14, 366-031-18, 366-070-13, 366-080-16, 366-080-25, 366-080-26, and Caltrans right-of-way #26-203-3. In addition, new transmission line structures would be built within the existing SDG&E transmission line easement areas that cross APNs 366-040-32 and 366-070-31). Applicant: Sycamore Landfill, Inc. (SLI).

S2-1

(cont'd.)

Should you have any additional questions and/or concerns please do not hesitate to contact me directly at (619)446-5369. I apologize for any inconvenience that this may have caused.

Sincerely,



Elizabeth Shearer-Nguyen

Associate Planner

Development Services Department

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Comment  
Letter S2  
(cont'd.)

000005

PROJECT 1111: 211 ADVANCE WETLANDS CLEARANCE

2. Lead Agency: City of San Diego 3. Contact Person: Elizabeth Sherry-Nouen

3a. Street Address: 1221 First Ave. 3b. City: San Diego

3c. County: San Diego 3d. Zip: 92101-4155 3e. Phone: (619) 446-4452/29

Project Location:

4. County: San Diego 4a. City/Community: San Diego/East El Paso Community Plan area

4b. Assessor's Parcel No. \_\_\_\_\_ 4c. Section \_\_\_\_\_ Township \_\_\_\_\_

5. Cross Streets: Map Boulevard 5a. For Rural, Nearest Community \_\_\_\_\_

6. Within 1 Mile: A. State Hwy # 52/725 6a. Airports: Gatwick Field

6b. Railways: \_\_\_\_\_ 6c. Waterways: \_\_\_\_\_

7. Document Type

CEQA: 01. ☐ NOP 05. ☐ Supplemental/Subsequent EIR NEPA: 09. ☐ NOR OTHER: STATE CLEARINGHOUSE

02. ☐ Early Cons 06. ☐ NOI 10. ☐ FONSI 14. ☐ Final Document

03. ☐ Neg Dec 07. ☐ NDC 11. ☐ Draft EIS 15. ☐ Other \_\_\_\_\_

04. ☐ Draft EIS 12. ☐ EASTERN AREA

8. Local Action Type

01. ☐ General Plan Update 05. ☐ Annexation 09. ☐ Response 12. ☐ Waste Mgmt. Plan

02. ☐ New Element 06. ☐ Specific Plan 10. ☐ Land Division (Subdivision, Parcel Map, Tract Map, etc.) 13. ☐ Cancel Ag Preserve

03. ☐ General Plan Amendment 07. ☐ Community Plan 14. ☐ Other: Community Plan Amendment & Development Permit

04. ☐ Master Plan 08. ☐ Redevelopment 11. ☐ Use Permit (Planned Industrial)

9. Development Type

01. ☐ Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_ 07. ☐ Mining: Mineral \_\_\_\_\_

02. ☐ Office: Sq Ft \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_ 08. ☐ Power: Type \_\_\_\_\_ Watts \_\_\_\_\_

03. ☐ Shopping/Commercial: Sq Ft \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_ 09. ☐ Waste Treatment: Type \_\_\_\_\_

04. ☐ Industrial: R&D: Sq Ft \_\_\_\_\_ Acres \_\_\_\_\_ 10. ☐ OCS Related \_\_\_\_\_

05. ☐ Water Facilities: MGD \_\_\_\_\_ Type \_\_\_\_\_ 11. ☐ Other: Landfill expansion

06. ☐ Transportation: Type \_\_\_\_\_

10. Total Acres: 114 acres 11. Total Jobs Created: N/A

12. Project Issues Discussed in Document

01. ☐ Aesthetic/Visual 06. ☐ Geological/Seismic 17. ☐ Social 25. ☐ Wetland/Riparian

02. ☐ Agricultural Land 10. ☐ Jobs/Housing Balance 18. ☐ Soil Erosion 26. ☐ Wildlife

03. ☐ Air Quality 11. ☐ Minerals 19. ☐ Solid Waste 27. ☐ Growth Inducing

04. ☐ Archaeological/Historical 12. ☐ Noise 20. ☐ Incompatible Land Use 28. ☐ Toxic/Hazardous

05. ☐ Coastal Zone 13. ☐ Public Services 21. ☐ Traffic/Circulation 29. ☐ Cumulative Effects

06. ☐ Economic 14. ☐ Schools 22. ☐ Vegetation 30. ☐ Paleontological Resources

07. ☐ Fire Hazard 15. ☐ Septic Systems 23. ☐ Water Quality 31. ☐ Other \_\_\_\_\_

08. ☐ Flooding/Drainage 16. ☐ Sewer Capacity 24. ☐ Water Supply

13. Funding (approx.): Federal \$ \_\_\_\_\_ State \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

14. Present Land Use and Zoning: RS-1-B and Open Space

15. Project Description:

COUNCIL APPROVAL to allow for revisions to the Municipal Code Chapters 12 and 14. The code revision involves an amendment to the City of San Diego's Land Development Code and Biology Guidelines to clarify when impacts may be allowed and would assist staff, City decision makers, reviewing agencies and the public when a project may impact wetlands. The Municipal Code Environmentally Sensitive Lands regulations and Biology Guidelines are both implementing regulations of the Multiple Species Conservation Program.

State Clearinghouse Contact: (916) 445-0613

State Review Began: 2-22-2008

SCH COMPLIANCE: 4-7

Corrected review dates

Please note State Clearinghouse Number (SCH#) on all Comments:

SCH#: 2003041057

Please forward late comments directly to the Lead Agency

ACOMD/APCD 27

(Resource: 2-23)

Project Sent to the following State Agencies

☒ Resources ☒ State/Consumer Svcs

☒ Boating & Waterways ☒ General Services

☒ Coastal Comm ☒ Cal EPA

☒ Colorado Rtr Bd ☒ ARB - Airport Projects

☒ Conservation ☒ ARB - Transportation Projects

☒ Fish & Game # 5 ☒ ARB - Major Industrial Projects

☒ Delta Protection Comm ☒ Integrated Waste Mgmt Bd

☒ Cal Fire ☒ SWRCB: Clean We Prog

☒ Historic Preservation ☒ SWRCB: Wtr Quality

☒ Parks & Rec ☒ SWRCB: Wtr Rights

☒ Reclamation Board ☒ Reg. WQCB # 4

☒ Bay Cons & Dev Comm ☒ Toxic Sub Cnt-CTC

☒ DWR ☒ Yrb Audit Corrections

☒ DES (Emergency Svcs) ☒ Concessions

☒ Bus Transp House ☒ Independent Comm

☒ Air Resources ☒ Energy Commission

☒ CHP ☒ NAHC

☒ Caltrans # 11 ☒ Public Utilities Comm

☒ Trans Planning ☒ State Lands Comm

☒ Housing & Com Dev ☒ Tahoe Agl Plan Agency

☒ Food & Agriculture ☒ Conservancy

☒ Health Services ☒ Other: \_\_\_\_\_

S2-1  
(cont'd.)

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STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL Mall, ROOM 304  
 SACRAMENTO, CA 95811  
 (916) 653-4251  
 Fax (916) 657-5390  
 Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
 e-mail: [dn\\_nahc@pacbell.net](mailto:dn_nahc@pacbell.net)



March 10, 2008

Ms. Elizabeth Shearer-Nguyen, Planner  
**CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT**  
 1222 First Avenue  
 San Diego, CA 92101

Re: SCH#2003041057: CEQA Notice of Completion: draft Environmental Impact Report (EIR) for Sycamore Canyon Landfill Master Plan, located near City of Santee, City of San Diego, San Diego County, California

Dear Ms. Shearer-Nguyen

The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a "significant effect" requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the "area of potential effect (APE)", and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278) <http://www.ohp.parks.ca.gov>. The record search will determine:
  - If a part or the entire APE has been previously surveyed for cultural resources
  - If any known cultural resources have already been recorded in or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
  - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
  - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- ✓ Lack of surface evidence of archaeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

S3-1

RESPONSES TO COMMENT LETTER RECEIVED FROM NATIVE AMERICAN HERITAGE COMMISSION, SIGNED BY DAVE SINGLETON, DATED MARCH 10, 2008 (LETTER S3)

## Response to Comment S3-1:

This letter describes the organization that authored the comment, and summarizes certain requirements of CEQA. It also makes several recommendations, all of which have been followed. As noted in the Cultural Resources Survey, attached to the EIR as Appendix H2, a cultural resource literature review, records search, and field survey of the portion of the Project site not previously surveyed were conducted, as well as a spot-check of areas surveyed previously. Gallegos & Associates contacted the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where development might occur. As part of the literature review and record search, a request letter was sent to the Native American Heritage Commission (NAHC) requesting any information and/or input regarding Native American concerns either directly or indirectly associated with the Project. On August 22, 2003, Gallegos & Associates received a response letter from the NAHC stating that the sacred lands file failed to indicate the presence of cultural resources in the immediate Project area (see Appendix A to the Cultural Resources Survey). On September 3, 2003, Gallegos & Associates sent notification letters to the list of Native American contacts provided by the NAHC. The only response was by the Kumeyaay Cultural Repatriation Committee (KCRC), recommending further action to mitigate potential damage to any cultural materials within the Project area. However, there are no significant cultural resources within the Project area, and the KCRC letter did not identify any. Gallegos & Associates contacted the NAHC on October 7, 2003 for a Sacred Lands File (SLF) search of the Project area and information on tribal contacts in the Project vicinity that may have additional cultural resource information. The citation format requested was provided to assist in that search. Gallegos & Associates also requested any information and/or input regarding Native American concerns either directly or indirectly associated with this Project, including the names of individuals in the area that should be contacted. Gallegos & Associates contacted all 18 individuals/reservations identified by the NAHC to be contacted.

The only previously identified cultural resource, Isolate P-37-015411/I-713, was not relocated, but this isolate find had been previously identified as insignificant. The City has included in the Mitigation Monitoring and Reporting Program (MMRP) a requirement to identify and evaluate accidentally discovered archaeological resources, including provision for the disposition of recovered artifacts, pursuant to Section 15064.5 of the State CEQA Guidelines. See Mitigation Measures 4.5.1 through 4.5.1e.

The Initial Study did not identify the presence or likely presence of Native American human remains within the area of potential effects (APE).

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Comment  
Letter S3  
(cont'd.)

✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

✓ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

S3-1  
(cont'd.)

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

  
Dave Singleton  
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

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Native American Contacts  
San Diego County  
March 10, 2008

Comment  
Letter S3  
(cont'd.)

Ewilaapaay Tribal Office  
Harlan Pinto, Sr., Chairperson  
PO Box 2250, Kumeyaay  
Alpine, CA 91903-2250  
wmicklin@leaningrock.net  
(619) 445-6315 - voice  
(619) 445-9126 - fax

Kumeyaay Cultural Historic Committee  
Ron Christman  
56 Viejas Grade Road, Diegueno/Kumeyaay  
Alpine, CA 92001  
(619) 445-0385

Manzanita Band of Kumeyaay Nation  
Leroy J. Elliott, Chairperson  
PO Box 1302, Kumeyaay  
Boulevard, CA 91905  
(619) 766-4930  
(619) 766-4957 Fax

Campo Kumeyaay Nation  
H. Paul Cuero, Jr., Chairperson  
36190 Church Road, Suite 1, Kumeyaay  
Campo, CA 91906  
chairman@campo-nsn.gov  
(619) 478-9046  
(619) 478-5818 Fax

Sycuan Band of the Kumeyaay Nation  
Danny Tucker, Chairperson  
5459 Sycuan Road, Diegueno/Kumeyaay  
El Cajon, CA 92021  
ssilva@sycuan-nsn.gov  
619 445-2613  
619 445-1927 Fax

Jamul Indian Village  
William Mesa, Chairperson  
P.O. Box 612, Diegueno/Kumeyaay  
Jamul, CA 91935  
jamulrez@sctdv.net  
(619) 669-4785  
(619) 669-48178 - Fax

Viejas Band of Mission Indians  
Bobby L. Barrett, Chairperson  
PO Box 908, Diegueno/Kumeyaay  
Alpine, CA 91903  
dagullar@viejas-nsn.gov  
(619) 445-3810  
(619) 445-5337 Fax

Kumeyaay Cultural Repatriation Committee  
Steve Banegas, Spokesperson  
1095 Barona Road, Diegueno/Kumeyaay  
Lakeside, CA 92040  
(619) 742-5587  
(619) 443-0681 FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed sCH#2003041057; CEQA Notice of Completion for Sycamore Landfill Master Plan draft EIR; located near the City of Santee; San Diego County, California.

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Native American Contacts  
San Diego County  
March 10, 2008

Comment  
Letter S3  
(cont'd.)

Campo Kumeyaay Nation  
ATTN: Fidel Hyde, EPA Supervisor  
361901 Church Road, Suite 1 Kumeyaay  
Campo, CA 91906  
(619) 478-9369  
(619) 478-5818 Fax

Clint Linton  
P.O. Box 507 Diegueno/Kumeyaay  
Santa Ysabel, CA 92070  
(760) 803-5694  
cjlinton73@aol.com

Manzanita Band of the Kumeyaay Nation  
Nick Elliott, Cultural Resources Coordinator  
P.O. Box 1302 Kumeyaay  
Boulevard, CA 91905  
(619) 925-0952 - cell  
(619) 766-4930  
(919) 766-4957

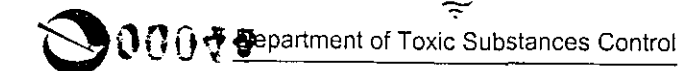
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Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed sCH#2003041057; CEQA Notice of Completion for Sycamore Landfill Master Plan draft EIR; located near the City of Santee; San Diego County, California.

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## Comment Letter S4



Linda S. Adams  
Secretary for  
Environmental Protection

Maureen F. Gorsen, Director  
5796 Corporate Avenue  
Cypress, California 90630



April 8, 2008

Ms. Elizabeth Shearer-Nguyen  
Senior Planner, City of San Diego  
Development Services Department  
1222 First Avenue  
San Diego, California 92101-4155  
DSDEAS@sandiego.gov

SITE-SPECIFIC STUDY OF A DRAFT ENVIRONMENTAL IMPACT REPORT  
(EIR) FOR THE SYCAMORE LANDFILL MASTER PLAN (PROJECT No. 5617  
SCH# 2003041057)

Dear Ms. Shearer-Nguyen:

The Department of Toxic Substances Control (DTSC) has received your Revised Draft EIR document for the above-mentioned project. As stated in your document: "The primary objective of the proposed Master Plan is to provide additional landfill disposal capacity at this existing, approved site. Under the proposal, the total landfill capacity would increase from 70 million cy to 157 million cy. In addition, daily tonnage units for MSW disposal would be increased, although annual tonnage currently is limited by Appendix D of the Franchise Agreement, and any increase above those limits would require a Franchise Agreement amendment."

DTSC has comments as follows:

- 1 The draft EIR should identify and determine whether current or historic uses at the Project site have resulted in any release of hazardous wastes/substances at the Project area.
- 2 The draft EIR needs to identify any known or potentially contaminated sites within the proposed Project area. For all identified sites, the draft EIR should evaluate whether conditions at the site pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

National Priorities List (NPL): A list is maintained by the United States Environmental Protection Agency (U.S.EPA).

CalSites: A Database primarily used by the California Department of Toxic Substances Control.

S4-1

S4-2

RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TOXIC SUBSTANCE CONTROL, SIGNED BY GREG HOLMES, DATED APRIL 8, 2008  
(LETTER S4)

### Response to Comment S4-1:

The landfill property was formerly a part of Camp Elliott, a former United States Marine Corps Training Center. As a result, unexploded ordnance remaining within the property has historically been a concern. Several ordnance clearance efforts for the site are recorded in former Camp Elliott in 1964, 1965, 1973 and 1983. Ordnance clearance work was completed on-site during 2004 to 2005 with California Department of Toxic Substances Control (DTSC) concurrence with the Removal Action Report in August 2006. A database review by Barber & Barber Associates, Inc. indicated that historical releases, other than unexploded ordnance, have not been reported.

There are no uncontrolled releases from the current facility. As described in the EIR Section 1.6, the landfill is an operating municipal solid waste disposal facility which regularly monitors for potential releases of waste constituents under the provisions of its permits, including Title 27 of the California Code of Regulations (CCR) and San Diego Air Pollution Control District (APCD) regulations.

As described on page 4.10-5 of the EIR and in EIR Appendix K, while under County of San Diego ownership, a Corrective Action Program (CAP) was implemented at the site in response to elevated organic constituents in well ITSY-6. The current CAP consists of landfill gas extraction system and conversion of well ITSY-6 to a groundwater extraction well. Decreasing trends have been noted for volatile organic compounds (VOCs) in well ITSY-6 over the past three years.

The applicant conducts quarterly monitoring of the perimeter gas probes at the property boundary according to its approved Site Specific Gas Monitoring Plan (SSGMP), as required by California Code of Regulations, Title 27 (27 CCR). Levels of methane gas were detected in a probe during these routine events and were reported to the Local Enforcement Agency (LEA) and the San Diego APCD. As a result, the facility has taken steps to correct the exceedances, including increasing vacuum to nearby landfill gas extraction wells, and has now entered into corrective action.

### Response to Comment S4-2:

There are no known or potentially contaminated sites within the Project area other than the Camp Elliott unexploded ordnance site as described in the response to Comment 1 above. A review of the databases referenced in the comment uncovered no listings for the subject property except the listing of the landfill on the CIWMB SWIS system and Camp Elliott as a listing on the DTSC EnviroStor website for unexploded ordnance (UXO) (See Barber & Barber Associates, Inc. memo). The final report and the DTSC

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RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TOXIC SUBSTANCE  
CONTROL, SIGNED BY GREG HOLMES, DATED APRIL 8, 2008 (LETTER S4) (continued)

Response to Comment S4-2: (cont'd.)

concurrence letter can be found at [http://www.envirostor.disc.ca.gov/public/final\\_documents2.asp?global\\_id=37970025&doc\\_id=5004845](http://www.envirostor.disc.ca.gov/public/final_documents2.asp?global_id=37970025&doc_id=5004845). This report and the concurrence letter are part of the administrative record and are available at the offices of Development Services, located at 1222 First Avenue, Fifth Floor, in downtown San Diego.

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Comment  
Letter S4  
(cont'd.)

Elizabeth Shear-Nguyen  
April 8, 2008  
Page 2

Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.

Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S. EPA.

Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.

Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards (RWQCBs).

Local County and City maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.

3. The draft EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state laws, regulations and policies.
4. If the subject property was previously used for agriculture, or if weed abatement occurred, onsite soils could contain pesticide or herbicide residues. Proper investigation and remedial action may be necessary to ensure the site does not pose a risk to the future residents.
5. All environmental investigations, sampling and/or remediation should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous waste cleanup. The findings and sampling results from the subsequent report should be clearly summarized in the EIR.

S4-2  
(cont'd.)

S4-3

S4-4

S4-5

RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TOXIC SUBSTANCE CONTROL, SIGNED BY GREG HOLMES, DATED APRIL 8, 2008 (LETTER S4) (continued)

Response to Comment S4-3:

A review of the databases referenced found no listings for the subject property except the listing of the landfill on the CIWMB SWIS system as a permitted disposal facility and Camp Elliot as a listing on the DTSC EnviroStor website/Cortese List for UXO. The DTSC concurred in the removal of the UXO from the Sycamore property. The DTSC reviewed the subject removal action report prepared for the U.S. Army Corps of Engineers. The report described the results of the surface and subsurface removal of munitions and explosives of concern for the expansion of the Sycamore Landfill. The removal action spanned from September 2004 to July 2005. Twenty-three live items and 105 inert items were recovered and disposed of from the removal action. The report also recorded blind seeding which was requested by DTSC for quality assurance purposes. The DTSC concurred with the findings and summary of the report in their letter dated August 4, 2006. Therefore removal actions are complete for this facility and no immediate threat exists. The August 4, 2006 DTSC Letter is available for public review at either the office of the City Clerk, 202 C Street, 2<sup>nd</sup> Floor, San Diego, CA 92101; or Development Services Department, 1222 First Ave., Fifth Floor, San Diego, CA 92101.

Response to Comment S4-4:

There is no evidence that the facility was used for agricultural purposes. It has been used for landfilling since the 1960s, and prior to that was part of Camp Elliott, a former United States Marine Corps Training Center. The topography of the site makes it unlikely that it was used for agricultural purposes prior to being acquired by the Federal Government in the 1940s.

*The only known weed abatement was conducted for the landfill by licensed personnel according to federal- and state-approved procedures for usage of herbicides and pesticides. There would be no future residents at the landfill site; post-closure use is open space.*

Response to Comment S4-5:

The comment outlines procedures to be followed if the need for a hazardous waste clean-up is determined to exist. As more fully described in Responses to Comments S4-1 through S4-4, there is no hazardous waste cleanup required at the site. If one were required, the investigations, sampling and/or remediation would be conducted as required by the regulatory agencies with jurisdiction to oversee that work. Because there is no required cleanup, there are no findings or sampling results to be described in the EIR.

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Comment  
Letter S4  
(cont'd.)

Elizabeth Shearer-Nguyen  
April 8, 2008  
Page 3

6. Proper investigation, sampling and remedial actions, if necessary, should be conducted at the site prior to the new development or any construction, and overseen by a regulatory agency.
7. If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a "Border Zone Property".
8. Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
9. If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If so, the facility should obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.
10. If hazardous wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from DTSC may be required. If so, the facility should contact DTSC at (818) 551-2171 to initiate pre application discussions and determine the permitting process applicable to the facility.
11. Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
12. If the project plans include discharging wastewater to a storm drain, you may be required to obtain a wastewater discharge permit from the overseeing Regional Water Quality Control Board.
13. The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.

S4-6

S4-7

S4-8

S4-9

S4-10

S4-11

S4-12

S4-13

RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TOXIC SUBSTANCE CONTROL, SIGNED BY GREG HOLMES, DATED APRIL 8, 2008 (LETTER S4) (continued)

Response to Comment S4-6:

Comment noted. Should any such actions be required, the Project would comply with any and all regulations and with all applicable regulatory agencies. See also Responses to Comments S4-2 and S4-5 regarding the fact that there is no additional action required.

Response to Comment S4-7:

California Health and Safety Code § 25221 requires that any person as owner, lessor, or lessee who: 1) knows that a significant disposal of hazardous waste may have occurred on land which he or she owns, or that the land is within 2000 feet of a significant disposal of hazardous waste, and 2) intends to construct or allow construction of a building to be used as residence, hospital, school or day care center (as set forth in California Health and Safety Code § 25232(b)) apply to the department for a determination if the land should be designated hazardous waste property or border zone property. Pursuant to California Health and Safety Code § 25229, if property is designated hazardous waste property or border zone property through a formal process including a public hearing, the owner is required to execute a written instrument which imposes land use restrictions on the property.

The Project proponent as owner of the property does not intend or propose to construct any of the buildings proposed in section 25232(b) of the California Health and Safety Code. A review of the DTSC website for Hazardous Waste Management Program Facility Sites with Deed / Land Use Restrictions found that there are no properties in San Diego County within 2000 feet of the proposed facility property that have the border zone property designation.

Response to Comment S4-8:

As discussed above, there is no evidence suggesting that there are, have been or will be a release of hazardous substances that would pose a risk to human health or the environment. The Project would conform to all regulations in order to ensure that any release of hazardous material would not pose a risk to human health or the environment. See Response to Comment Numbers S4-1 and S4-3.

Response to Comment S4-9:

Comment noted. Sycamore Landfill Inc. is a small quantity generator under state and federal hazardous waste control regulations. As of this date waste generated from parts cleaning, diesel fueling on-site, waste oil, anti-freeze, batteries and other wastes from operations, in addition to hazardous wastes identified and removed from the waste stream prior to disposal, are properly managed and transported off-site for disposal according to the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations,

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RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TOXIC SUBSTANCE CONTROL, SIGNED BY GREG HOLMES, DATED APRIL 8, 2008 (LETTER S4) (continued)

Response to Comment S4-9: (cont'd.)

Title 22, Division 4.5). The facility has been issued a United States Environmental Protection Agency Identification Number CAD 982431934, which would continue to apply to the site after Project approval, and the site manages its hazardous wastes accordingly pursuant to all applicable rules and regulations. In addition as stated in section 3.2.3.10 of the EIR, the facility manages its hazardous materials according to its Hazardous Materials Business Plan (HMBP).

Response to Comment S4-10:

Comment noted. Hazardous wastes are not stored in tanks or containers for 90 days or more, treated on-site, nor disposed of on site, but are removed within 90 days of generation. See discussion in EIR on page 2-10 and in Appendix O - Hazardous Waste Exclusion Program. Therefore, a permit from DTSC is not required.

Response to Comment S4-11:

No hazardous waste treatment processes are conducted on site. All hazardous waste generated on site or identified during waste screening are removed within 90 days of generation. See discussion in EIR on page 2-10 and in Appendix O - Hazardous Waste Exclusion Program. As a result, no authorization from the local Certified Unified Program Agency (CUPA) is required.

Response to Comment S4-12:

This comment does not address the adequacy of the EIR, but merely points out the fact that discharging wastewater to a storm drain may require a wastewater discharge permit. The Project plans include continuing to discharge storm water to a storm drain. As a result, the facility has already obtained coverage under the state General Permit for Industrial Storm Water discharges by submitting a notice of intent to the San Diego Regional Water Quality Control Board (SDRWQCB) for the existing operation. The new operation would be similarly covered under the general permit.

Response to Comment S4-13:

The comment does not address the adequacy of the EIR but rather mentions that soil excavation and fill may require sampling and, if the soil is contaminated, must be properly disposed. As stated in the responses to Comments S4-1 through S4-4, no contaminated sites or contamination has been identified on-site other than the UXO cleanup. Any contaminated soils on site associated with the UXO already have been identified and removed as part of the UXO cleanup activities. The only additional soil excavation and soil filling associated with the Project involve virgin, undisturbed soil similar to those currently under way as a part of the existing operations. The soils would not require further sampling because they are virgin soils. Representative samples of imported soil for any cover and backfill would be analyzed to statistically ensure that any imported soil is free of contamination as required by SDRWQCB requirements.

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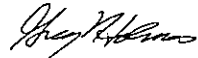
Comment  
Letter S4  
(cont'd.)

Elizabeth Shearer-Nguyen  
April 8, 2008  
Page 4

14. If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the EIR should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.
15. If structures on the Project Site contain potentially hazardous materials, such as: asbestos-containing material, lead-based paint, and mercury- or PCB-containing material, such materials should be removed properly prior to demolition, and disposed of at appropriate landfills or recycled, in accordance with the regulatory guidance provided in California Code of Regulations (CCR) and following the requirements of the Universal Waste Rule (40 CFR part 9).

If you have any questions regarding this letter, please contact Ms. Tong Qiao, Project Manager, at (714) 484-5470 or at "tqiao@dtsc.ca.gov".

Sincerely,



Greg Holmes  
Unit Chief  
Southern California Cleanup Operations Branch - Cypress Office

cc: Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief  
Planning and Environmental Analysis Section  
CEQA Tracking Center  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806

CEQA # 2088

S4-14

S4-15

RESPONSES TO COMMENT. LETTER RECEIVED FROM DEPARTMENT OF TOXIC SUBSTANCE CONTROL, SIGNED BY GREG HOLMES, DATED APRIL 8, 2008 (LETTER S4) (continued)

Response to Comment S4-14:

The comment does not address the adequacy of the EIR but rather points out certain procedures to be followed if contaminated soil or groundwater is suspected. If, during the Project, soil or groundwater contamination is suspected, construction in the area would cease and appropriate health and safety procedures would be implemented, as suggested by the comment. If it is determined that contaminated soil and/or groundwater exist, the SDRWQCB would be contacted and remediation would be conducted according to the currently issued Waste Discharge Requirements and state and federal regulations.

Response to Comment S4-15:

The comment does not discuss the adequacy of the EIR but rather procedures to be followed if structures on the site are found to contain potentially hazardous materials. Since the on-site structures are prefabricated buildings, the structures may be removed from the site and reused. If the structures are demolished, as suggested by the comment, prior to demolition, structures on the Project site would be inspected to determine whether they contain potentially hazardous materials, such as asbestos-containing material, lead based paint, and mercury or Polychlorinated biphenyls (PCBs) containing materials. If hazardous materials are found in the structures, the materials would be removed properly prior to demolition, and disposed of in appropriate landfills or recycled in accordance with the regulations.

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Comment  
Letter S5

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 11

050 TAYLOR STREET

SAN DIEGO, CA 92110

PHONE (619) 688-6960

FAX (619) 688-3122

TTY (619) 688-3214



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April 4, 2008

11-SD-52  
PM 14.77

Ms. Elizabeth Shearer-Nguyen  
City of San Diego Developmental Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101-4231

Dear Ms. Shearer-Nguyen:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Draft Environmental Impact Report (DEIR) (SCH 2003041057) for the Sycamore Landfill Master Plan. The project is generally located in the Northeastern area of the City of San Diego, adjacent to the City of Santee, and takes access off of State Route 52 (SR 52) at Mast Boulevard. We have the following comments:

DEIR/Chapter 4.4 Traffic/Circulation

- Section 4.4 of the DEIR includes tables that analyze the intersections of SR-52 EB and WB and Mast Boulevard as two-way stop controlled. Language is added to amend this in 2006 to note that these intersections are now signalized. However, they should be analyzed as signalized intersections in the existing condition, before additional traffic impacts are added.
- Page 4.4-2, Figure 4.4-1: The SOURCE noted that the Figure was generated by LLG Engineers in 2003 and updated by BRG Consulting, Inc. in 2007; however, the lanes configuration at the Mast Boulevard/SR-52 EB and WB ramps intersections were not updated. As of June 2006 with the signalization of both ramps intersections the lanes configurations should be as follows:
  - A. SB Mast Boulevard at SR-52 eastbound ramps: one through lane and one dedicated left turn lane to eastbound SR-52 entrance ramp.
  - B. SB Mast Boulevard at SR-52 westbound ramps: one right turn lane to westbound SR-52 entrance ramp and one shared right/through lane.
  - C. NB Mast Boulevard at SR-52 westbound ramps: one dedicated left turn lane to SR-52 westbound entrance ramp and two through lanes.
- Page 4.4-15, Table 4.4-9; page 4.4-16, Table 4.4-10; and page 4.4-17, Table 4.4-11: The Near-Term project in these tables was shown with a proposed 1,250 Tickets while in Table 4.4-2, page 4.4-7, the Project Approval (Near-Term) was proposed with only 850 Tickets. Please explain the discrepancy.

S5-1

S5-2

S5-3

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RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TRANSPORTATION (CALTRANS), DISTRICT 11, SIGNED BY JACOB ARMSTRONG, DATED APRIL 4, 2008 (LETTER S5)

Response to Comment S5-1:

The referenced intersections were analyzed with traffic signal control in the traffic study. EIR Appendix D1 Table 9-2 (see *italics*) has been amended to show the LOS/Delay with traffic signals.

Response to Comment S5-2:

Figure 4.4-1 has been updated to show the lanes described in this comment.

Response to Comment S5-3:

When the Project was initiated, only the tickets for Municipal Solid Waste (MSW) were addressed. Subsequently, direction from the Local Enforcement Agency (LEA) and California Integrated Waste Management Board (CIWMB) required that all waste and material streams associated with the facility be addressed. The values in Column 1 of Table 4.4-2 show only the MSW and aggregate-related tickets. Information about tickets associated with all waste streams is shown in the subsequent Table 4.4-3. For example, when 400 daily tickets associated with other waste streams is added to the 850 daily tickets from MSW and aggregate operations, the total is 1,250, as shown in column 4 of Table 4.4-3, and column 13 of Table 3.2-4. Similar relationships are shown at each successive target year in Tables 3.2-4 and 4.4-3: 1,475 MSW + aggregate v. 1,900 total tickets in 2010; 1,925 v. 2,600 in 2025, etc. The values in Column 4 of Table 4.4-2 have been clarified to note that they refer to MSW + aggregate daily tickets; total daily tickets associated with those MSW + aggregate levels have been added to the information in Column 1.

Comment  
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(cont'd.)

- Page 4.4-19, Table 4.4-12 and Table 4.4-13; page 4.4-20, Table 4.4-14; and page 4.4-21, Table 4.4-15: Year 2010 in these tables was shown with a proposed 1,900 Tickets while in Table 4.4-2, page 4.4-7, Year 2010 was proposed with only 1,475 Tickets. Please explain the discrepancy.
- Page 4.4-22, Table 4.4-16; page 4.4-23, Table 4.4-17; page 4.4-24, Table 4.4-18 and Table 4.4-19: Year 2025 in these tables was shown with a proposed 2,600 Tickets while in Table 4.4-2, page 4.4-7, Year 2025 was proposed with only 1,925 Tickets. Please explain the discrepancy.
- Page 4.4-26, Table 4.4-20: This table also showed the 1,900 tickets and 2,650 tickets per day analysis instead of the proposed 1,475 tickets and 1,925 tickets as presented in Table 4.4-2, page 4.4-7. The Draft EIR prepared by BRG Consulting, Inc. used different sets of tickets numbers than the Traffic Impact Analysis (TIA) prepared by Linscott, Law & Greenspan, Engineers. The Draft EIR numbers were much higher than the TIA numbers therefore the traffic impacts to the area roadways and freeway would probably be more severe than anticipated.

*Appendix D1 – Traffic Impact Analysis*

- Figure 3-1, Existing Conditions Diagram: As of June 2006 the intersections of Mast Boulevard with SR-52 eastbound and westbound ramps were signalized and the lane configurations on Mast Boulevard modified. Please update the figure with the improvements. See Comment No. 1.
- Figure 10-4, Year 2010 Baseline + Proposed Project Traffic Volumes AM/PM Peak Hour Volumes & ADTs: The AM and PM Peak Hour volumes of 964 and 1726 trips, respectively, require a dual left turn lane at the eastbound SR 52 exit ramp to Mast Boulevard. It is recommended to further widen the exit ramp to create more storage and help prevent traffic from backing up onto the freeway mainline.

*Page 44, Section 13.0 Significance of Impacts and Recommended Mitigation:*

The following physical improvements to Caltrans facilities have been identified:

- Near-Term - SR-52 west of Mast Boulevard: Construct an additional westbound freeway lane.
- Interim Year (Year 2010) – SR-52 east and west of Mast Boulevard: Contribute a fair-share to the construction of additional eastbound and westbound freeway lanes. However, impacts to those facilities will remain significant after such contributions, until the identified improvements have been completed by Caltrans.
- Long-Term Year (Year 2025)
  - i. Mast Boulevard/SR-52 Westbound Ramps: Contribute a fair-share to the widening of the westbound ramp to allow for free westbound right-turn movements, or triple-right turn movements.

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S5-4

S5-5

S5-6

S5-7

S5-8

S5-9

RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TRANSPORTATION (CALTRANS), DISTRICT 11, SIGNED BY JACOB ARMSTRONG, DATED APRIL 4, 2008 (LETTER S5)

(continued)

**Response to Comment S5-4:**

See Response to Comment S5-3.

**Response to Comment S5-5:**

See Response to Comment S5-3.

**Response to Comment S5-6:**

See Response to Comment S5-3.

**Response to Comment S5-7:**

Figure 3-1 of the Traffic Impact Analysis (TIA) has been updated in response to the comment. However, this does not change the analysis, since those characteristics were included.

**Response to Comment S5-8:**

The volumes represented on the figures (including Figure 10-4) reflect volumes including Passenger Car Equivalence (PCE) values. These are not the forecasted actual peak hour vehicle amounts. The actual volumes forecasted would be half the volumes presented, since the PCE is 2.0. Also, the average Level of Service (LOS)/Delay for this ramp are LOS C/B for the AM/PM peak hours, respectively. This is due to the relatively light traffic demand to/from the south leg (dead end), effectively making the intersection operate as a "tee" with cycle length split between the southbound left (from Mast Boulevard to SR-52 eastbound) and the eastbound left (from SR-52 eastbound to Mast Boulevard). Also, the transportation demand management (TDM) Plan proposal would further reduce peak hour traffic on this ramp, and the current configuration allows for both off-ramp lanes to turn north onto Mast Boulevard. As a result, no additional storage is required as a result of the Project.

**Response to Comment S5-9:**

Comment noted. This comment appears to be a correct summary of the recommended mitigation for impacts to Caltrans facilities in Sections 13.1, 13.2 and 13.3 of the TIA.

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Comment  
Letter S5  
(cont'd.)

- ii. SR-52 west of Mast Boulevard: No mitigation is considered feasible to mitigate significant impacts to SR-52 peak hour travel associated with projected landfill traffic from 2025 to projected landfill closure in 2028.

S5-9  
(cont'd.)

- The Traffic Impact Analysis (TIA) prepared by Linscott, Law & Greenspan, Engineers was revised on August 28, 2006 prior to the Fanita Ranch project (November 2007), so the TIA did not include the cumulative impacts from the Fanita project. However, even without the Fanita project, traffic generated by the Sycamore Landfill Expansion will have significant impacts to Mast Boulevard and SR-52 facilities (mainline and ramps).

S5-10

Although the Sycamore Landfill is willing to contribute a fair-share to the SR-52 Managed Lanes to mitigate its traffic impacts, The Caltrans SR-52 Managed Lanes TransNet project does not include funding, or design plans for improvements at the Mast Boulevard EB off-ramp and WB on-ramps. Fair share contributions toward these improvements need to be identified through a City project, and done by the City through the Caltrans project development procedures process and/or encroachment permit process. Therefore, it is recommended that a mitigation project be developed by the City of San Diego as part of the Sycamore Landfill mitigation, in coordination with the City of Santee as part of the fair share identified in the Fanita Ranch EIR.

S5-11

- A Project Study Report (PSR) for the SR-52 corridor between I-805 and SR-125 was completed in March 2007. No additional PSR's are planned by Caltrans for the corridor at this time.

S5-12

- TIA (pg. 44) 13.0 Significance of Impacts and Recommended Mitigation – The following language should be stricken from the report, "Improvements to State freeways are the sole responsibility of Caltrans, and such work is done in accordance with the RTP". Potential mitigation to SR-52 should not be determined on the basis of whether or not Caltrans has an identified project or mechanism to collect fair share. We expect the DEIR for the Sycamore Landfill to identify mitigation to SR-52 and the corresponding implementation plan as it relates to the proposed project's environmental requirements. If it is determined that the significant impacts identified in the DEIR to SR-52 are unmitigatable based on the feasibility or time frame by which the mitigation can be implemented by the project proponent, then the DEIR should clearly state the constraints through overriding considerations. Caltrans ability to identify a project or collect fair share as part of a local development approval are not the appropriate constraints by which the DEIR should use to determine that impacts to SR-52 are unmitigatable, nor are they consistent with the intent of the California Environmental Quality Act (CEQA).

S5-13

- It is recommended Sycamore Landfill prepare a Permit Engineering Evaluation Report (PEER) to document and reach agreement on the engineering scope of appropriate improvements to mitigate traffic impacts to the Mast Boulevard interchange. The entrance ramp from Mast Boulevard to westbound SR-52 would need to be widened to three lanes and metered with one High Occupancy Vehicle lane and two Single Occupancy Vehicle lanes. Right of way take would be required for this widening. The exit ramp to Mast Boulevard from eastbound SR-52 would need to be widened to two lanes.

S5-14

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RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TRANSPORTATION  
(CALTRANS), DISTRICT 11, SIGNED BY JACOB ARMSTRONG, DATED APRIL 4, 2008 (LETTER S5)

(continued)

Response to Comment S5-10:

The comment's assumptions are not correct. The Project's traffic study does include the Fanita Ranch Project in the Interim (2010) and long-term (2025) traffic forecasts, as it was included in the traffic models used by LLG. As the comment states, the Project does find significant impacts at Caltrans facilities in the near-term on the SR-52 mainline west of Mast Boulevard, but those impacts are with Fanita Ranch included. No significant impacts to SR-52/Mast Boulevard ramps were calculated.

Response to Comment S5-11:

As stated above, the traffic analysis identifies no significant Project impacts to the ramps. The Fair Share contribution required by MM 4.4.2 would be available for improvements deemed appropriate by Caltrans and the City.

Response to Comment S5-12:

Comment noted. This comment does not address the adequacy of the EIR and therefore no further response is necessary.

Response to Comment S5-13:

The RTP defines the infrastructure plans for the region, including freeways such as SR-52. These facilities are defined in their alignments and projected capacities (numbers of lanes). The traffic study uses the proposed infrastructure from the RTP as the basis of analysis for buildout. We understand that Caltrans owns and controls what goes on in the freeway; anything to be done there goes through Caltrans. Therefore, the language requested to be stricken is correct and should remain. In the case of SR-52, the applicant as a sole entity does not presume the ability to dictate the number of lanes or the schedule of the freeway improvements defined in the RTP. Thus, significant, unmitigatable impacts to the freeway mainline were calculated in the traffic study and presented in the EIR. Project mainline impacts would NOT require the addition of an entire freeway lane in each direction. Therefore, as mitigation, the EIR states that the applicant would make the appropriate fair-share contributions to the planned freeway improvements, as necessary. In addition, the applicant also intends to minimize freeway impacts through the TDM Plan.

It should again be noted that the freeway calculations and resultant impacts are based on a conservative, "linear growth" trip generation methodology, which likely overstates the Project's trip contribution. These growth projections were also made assuming existing hourly distribution of traffic, which would be less during peak hours in the future when the landfill would operate with longer hours, and the TDM Plan is in place.

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RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TRANSPORTATION  
(CALTRANS), DISTRICT 11, SIGNED BY JACOB ARMSTRONG, DATED APRIL 4, 2008 (LETTER S5)

(continued)

Response to Comment S5-14:

Comment noted. However, as stated in the Response to Comment S5-11 above, implementation of the Project would result in no significant impacts to SR-52 ramps. We understand that the SR-52/Mast Boulevard WB ramp is being widened as part of the Caltrans Eastbound-Westbound Widening Project (Figures 3P and 3Q of the SR-52 East-West Widening Project IS/ND/EA/FONSI, Caltrans, April 2007). Information about environmental implications of the required widening of Mast Boulevard has been included in the EIR, under each environmental topic. If any future Project improvements to Caltrans facilities are required as a result of the Project, it is understood that the applicant may be required by Caltrans to apply for a Permit Engineering Evaluation Report (PEER) to document and reach agreement on the engineering scope of appropriate improvements to mitigate traffic impacts prior to applying for an encroachment or other permit for such improvements in Caltrans right-of-way (ROW).

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Comment  
Letter S5  
(cont'd.)

Elizabeth Shearer-Nguyen  
April 4, 2008  
Page 4 of 7

In order to expedite the process for projects sponsored by a local agency or private developer, it is recommended a PEER be prepared and included in the Lead Agency's CEQA document. This will help expedite the Caltrans Encroachment Permit Review process. The PEER document forms and procedures can be found in the Caltrans Project Development Procedures Manual (PDPM). <http://www.dot.ca.gov/hq/oppd/pdpm/pdpmn.htm>  
[http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER\\_\(TR-0112\).pdf](http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_(TR-0112).pdf)

- Besides a 6+ 2 alternative (6 general purpose + 2 reversible lanes), Caltrans is also considering a 5+ 5 alternative (5 lanes each direction). Therefore, the City should also evaluate the 5+5 scenario.
- By 2010, there will be 3 lanes in each direction on SR-52 between I-15 and Mast Boulevard.
- Caltrans has no control over the enforcement of the proposed Transportation Demand Management (TDM) Plan, which includes a traffic monitoring plan to ensure that truck traffic is within the acceptable limits of operation determined by the City of San Diego Traffic Engineer. As a result, quarterly information should be provided to Caltrans as part of the Mitigation Monitoring Program. In addition, Caltrans would request an agreement with the City of San Diego be established as part of the Mitigation Monitoring Program, whereby if the TDM measures are not effective in limiting peak period tickets or trips to SR-52, then an agreement will be executed to implement the appropriate fair share payment for mitigation improvements to SR-52.
- The proposed project may jeopardize potential scenic highway designation. Evaluation of these impacts can not be conclusively determined without post construction review by the Caltrans Scenic Highway Departmental Technical Advisory Committee (DTAC) and approval by the State Legislature of the DTAC recommendations. Contact the Statewide Scenic Highway Coordinator, Senior Landscape Architect Dennis Cadd (916) 654-5370 for further information regarding certification or decertification of Eligible and Officially Designated Routes.
- The visual simulations should depict the views for the Interim Height - 990' amsl and within 1 to 5 years of landfill closure.
- Your view for the road duration assumes 65 MPH travel. This minimizes impacts for speeds which are often slower.
- The Caltrans Visual Study for the construction of State Route 52 describes scenic vistas which may be impacted by this project.
- Please obtain a copy of this study from the Caltrans District 11 Environmental Department and modify your visual analysis accordingly.

Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by the Department. Current policy allows Highway Improvement Projects costing \$1 million or less to follow the Caltrans Encroachment Permit process. Highway Improvement Projects  
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S5-14  
(cont'd.)

S5-15

S5-16

S5-17

S5-18

S5-19

S5-20

S5-21

S5-22

RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TRANSPORTATION (CALTRANS), DISTRICT 11, SIGNED BY JACOB ARMSTRONG, DATED APRIL 4, 2008 (LETTER S5)

(continued)

Response to Comment S5-15:

The most SR-52 capacity with the current 6+2 alternative in the analysis is 5 lanes in the peak direction. This is the same capacity (5 lanes in the peak direction) as the 5+5 alternative mentioned. Given that the number of lanes in the peak direction remains the same under either scenario, the traffic impact results would be the same. Significant impacts to the SR-52 mainline were identified in the EIR for every Project time-frame. The conclusion that the Project would result in a significant impact to SR-52 would stay the same for the 5+5 scenario versus 6+2. There is therefore no need to conduct the analysis

Response to Comment S5-16:

Table 4.4-15 has been amended to reflect the capacity of 3 lanes eastbound, west of Mast Boulevard at 2010. This does not impact the analysis or conclusions of the EIR.

Response to Comment S5-17:

If the proposed TDM Plan is successful, the Project would result in NO peak hour traffic impacts, either on local streets or intersections, or SR-52 mainline or ramps. However, the Project applicant cannot completely control all traffic coming to the landfill. Therefore, since its success cannot be guaranteed, the EIR has concluded that there would be a significant, unmitigated impact. As part of the TDM Plan, quarterly traffic information compiled for MM 4.4.5b shall be sent to Caltrans as well. MM4.4.5b has been modified accordingly.

The Project is being required to pay fair share for all local freeway improvements in the recent Regional Transportation Plan (RTP). We do not see a mechanism to determine fair share for any unplanned improvement and Caltrans has not provided a mechanism in this comment. Also, the landfill is not expected to contribute vehicular traffic to SR-52 indefinitely. Once the landfill reaches capacity, it would close down and the number of trips to and from the landfill would be well below currently permitted levels. As described in the Findings of Fact and Statement of Overriding Considerations, the public benefit of the landfill will outweigh the future cumulatively significant traffic impacts to SR-52 in the event the TDM Plan does not work.

The City and the applicant are willing to discuss ways to structure the mitigation if the TDM Plan is not completely successful.

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RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TRANSPORTATION  
(CALTRANS), DISTRICT 11, SIGNED BY JACOB ARMSTRONG, DATED APRIL 4, 2008 (LETTER S5)

(continued)

**Response to Comment S5-18:**

SR-52, from the City of San Diego city limits to SR-67, is eligible for scenic highway designation, but has not been so designated. Actual designation requires that 1) the City of Santee request such designation, and 2) Caltrans personnel conduct an evaluation relative to the various scenic highway criteria. According to the Coordinator, the Caltrans Scenic Highway Departmental Technical Advisory Committee (DTAC) responsible for such review was abolished two years ago. Even if the highway were designated as "scenic," whether or not the landfill would impact that potential future designation would be speculative. The landfill is an existing condition in this location, and the incremental effect of the additional increase in height over existing conditions would be unlikely to preclude any scenic highway designation. The landfill would be at least one and one-half miles from the nearest portion of the eligible segment of SR-52, and, as required by permit conditions and mitigation measures, would be revegetated with native vegetation.

**Response to Comment S5-19:**

The visual simulations in the EIR depict the projected interim landfill profiles with dashed lines already, as well as the post-closure Project after vegetation has become established. As seen in the simulation in EIR Figure 4.2-22, there would be little difference between interim profiles at 990 feet AMSL and the profile at 883 feet AMSL shown. During construction of the landfill, areas of the facility most recently graded would show as bare soil or soil with mulch covering, as described in the EIR, page 4.2-46. Later, as vegetation becomes established on graded areas left undisturbed for six months or more, the visual contrast with surrounding natural hillsides would be reduced. Depiction of such characteristics would not change the EIR conclusion that visual impacts of the Project would be significant and unmitigable, despite the many measures used to reduce visual contrast.

**Response to Comment S5-20:**

Comment noted. Although there are times when the speed on SR-52 is slower than 65 miles per hour (mph), the slower speeds typically occur during morning and afternoon rush periods, when heavy traffic is using SR-52. At those times, traffic may be reduced to 10-20 mph. Under such conditions, drivers typically are paying more attention to the bumper of the vehicle ahead of them than to looking around at the scenery. While passengers may have more time to look around under such conditions, vehicles with passengers in addition to the driver represent a small percentage of rush-hour vehicles. In any event, the view would be primarily of a vegetated hillside, with the active working face blocked from view by berms.

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RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TRANSPORTATION  
(CALTRANS), DISTRICT 11, SIGNED BY JACOB ARMSTRONG, DATED APRIL 4, 2008 (LETTER S5)  
(continued)

**Response to Comment S5-21:**

The District 11 Environmental Department provided copies of the relevant sections of the 1982 City of San Diego EIR for Mission Trails Parkway (EQD No. 82-0657), and the 1989 Addendum #5 from the Caltrans Route 52 Visual Study. The 1982 EIR identifies no specific scenic vistas, but anticipates significant visual impacts to the area as a result of roadway cuts and fills. The 1989 document analyzed one view, northerly towards Spring Canyon from near the intersection of Mission Gorge Road and Father Junipero Serra Trail. However, this view was not identified as an officially designated scenic vista, and two visual simulations in the Sycamore EIR, Figures 4.2-23 and 4.2-24, bracket that view. As a result, the impacts to any views analyzed in the prior Caltrans documents already are discussed in the Project EIR.

**Response to Comment S5-22:**

This comment outlines Caltrans' procedures for review of work to be performed within the Caltrans right of way. The applicant would complete a PEER prior to applying for an encroachment permit or other permit for work within Caltrans right-of-way.

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Elizabeth Shearer-Nguyen  
April 4, 2008  
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costing greater than \$1 million but less than \$3 million would be allowed to follow a streamlined project development process similar to the Caltrans Encroachment Permit process. In order to determine the appropriate permit processing of projects funded by others, it is recommended the concept and project approval for work to be done on the State Highway System be evaluated through the completion of a PEER. A PEER should always be prepared, regardless of the cost of improvements, when new operating improvements are constructed by the permittee that become part of the State Highway System. These include but are not limited to, signalization, channelization, turn pockets, widening, realignment, public road connections, and bike paths and lanes. After approval of the PEER and necessary application and supporting documentation an encroachment permit can be issued.

Highway Improvement Projects greater than \$3 million, or considered complex projects, would be required to adhere to the full Project Development Process (e.g. Project Initiation Documents, Project Study Reports and Cooperative Agreements). A Caltrans District responsible unit will be notified and a project manager will be assigned to coordinate the project approval.

Furthermore, the applicant's environmental documentation must include such work in their project description and indicate that an encroachment permit will be needed. As part of the encroachment permit process, the developer must provide appropriate environmental approval for potential environmental impacts to State Highway R/W. Environmental documentation should include studies or letters from qualified specialists or personnel which address the potential, or lack of potential, for impacts to the following resources in state right-of-way:

Biological resources  
Archaeological and historic resources  
Visual quality  
Hazardous waste  
Water quality & stormwater  
Pre-historic resources  
Air quality  
Noise levels

Copies of all project-related environmental documentation and studies which address the above-cited resources should be included with the project proponent's encroachment permit application to Caltrans for work within State R/W. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Encroachment permit submittals that are incomplete can result in significant delays in permit approval. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resource agencies for the improvements.

When a property owner proposes to dedicate property to a local agency for Caltrans use in conjunction with a permit project, Caltrans will not issue the encroachment permit until the dedication is made and the property has been conveyed to the Department.

S5-22  
(cont'd.)

S5-23

S5-24

S5-25

S5-26

RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TRANSPORTATION  
(CALTRANS), DISTRICT 11, SIGNED BY JACOB ARMSTRONG, DATED APRIL 4, 2008 (LETTER S5)

(continued)

Response to Comment S5-23:

This comment outlines Caltrans' procedures for review of improvement Projects of more than \$3 million or otherwise considered complex and that are to be performed within the Caltrans right of way. Comment noted.

Response to Comment S5-24:

The landfill proposes improvements to Mast Boulevard within Caltrans right-of-way (ROW) and discusses the need for an encroachment permit in the EIR. The details regarding potential environmental impacts associated with widening of Mast Boulevard have been added to the EIR under each applicable environmental topic. No significant environmental impacts were identified as a result of that analysis.

Response to Comment S5-25:

Comment noted. Copies of the requested Project-related environmental documentation will be included with the applicant's encroachment permit application and notes the requirements and potential for delay identified by the commenter.

Response to Comment S5-26:

This comment describes Caltrans encroachment permit procedures and does not address the adequacy of the EIR, therefore no response is necessary.

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April 4, 2008  
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Comment  
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(cont'd.)

Improvement plans for construction within State Highway R/W must include the appropriate engineering information consistent with the state code and signed and stamped by a professional engineer registered in the State of California. The Department's Permit Manual contains a listing of typical information required for project plans. All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements.

S5-27

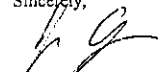
Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised for all encroachment permits.

S5-28

The California Environmental Quality Act (CEQA) requires, under Public Resources Code (PRC) Section 21081.6, the adoption of reporting or monitoring programs when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with the mitigation adopted during the CEQA review process. According to PRC Section 21081.6, when a project has impacts that are of statewide, regional, or area-wide significance, a reporting or monitoring program shall be submitted to the Department of Transportation (Caltrans). Attached are Caltrans guidelines for the submittal of reporting or monitoring programs. Please submit the attached information to the Caltrans Inter-Governmental Review/Development Review contact following project approval. If you have any questions regarding our comments, please contact me at (619) 688-6960.

S5-29

Sincerely,



JACOB ARMSTRONG, Chief  
Development Review Branch

c: City of Santee

RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TRANSPORTATION (CALTRANS), DISTRICT 11, SIGNED BY JACOB ARMSTRONG, DATED APRIL 4, 2008 (LETTER S5)

(continued)

Response to Comment S5-27:

This comment describes Caltrans procedures for review and approval of improvement plans for construction within State Highway right of way. Because it does not address the adequacy of the EIR, no response is necessary.

Response to Comment S5-28:

The comment describes Caltrans procedures for review and approval of improvement plans and encroachment permits. Because it does not address the adequacy of the EIR, no response is necessary. Requirements for construction within State Highway R/W are noted.

Response to Comment S5-29:

Caltrans guidelines for the submittal of reporting or monitoring programs are noted and the attached information will be submitted to the Caltrans Inter-Governmental Review/ Development Review contact following Project approval as requested/required.

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# Comment Letter S5A

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

## DEPARTMENT OF TRANSPORTATION

District 11  
4050 Taylor Street, MS 340  
San Diego, CA 92110  
PHONE (619) 688-6960  
FAX (619) 688-4299  
TTY (800) 735-2929



*Flex your power!  
Re couragez-vous!*

May 9, 2008

11-SD-52  
PM 14:77  
Sycamore Landfill EIR

Elizabeth Shearer-Nguyen  
City of San Diego Developmental Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101-4231

Dear Ms. Shearer-Nguyen:

The California Department of Transportation (Caltrans) sent a letter to the City dated April 4, 2008, detailing our comments on the Sycamore Landfill Draft Environmental Impact Report (EIR). Since the submittal of our letter, Caltrans has had several meetings with City staff to discuss potential mitigation measures on SR-52, specifically the interchange of SR-52 and Mast Boulevard.

In lieu of the proposed Mitigation Monitoring Program, the Draft EIR identified significant impacts at the SR-52/Mast Boulevard interchange and recommended mitigation measures for the Near-Term, Interim Year (Year 2010) and Long-Term Year. The DEIR included language that although significant impacts have been identified, "Improvements to State facilities are the sole responsibility of Caltrans, and such work is done in accordance with the RTP". Therefore, the DEIR explains that impacts to these facilities will remain significant until the identified improvements have been completed by Caltrans, or until fair share contributions can be negotiated with Caltrans.

Potential mitigation to SR-52 should not be determined on the basis of jurisdiction or whether or not Caltrans has an identified project or mechanism to collect fair share. We expect the EIR for the Sycamore Landfill to identify mitigation to SR-52 and a corresponding implementation plan as it relates to the proposed project's environmental requirements. Caltrans ability to identify a project or collect fair share as part of a local development approval are not appropriate constraints by which the EIR should use to determine that impacts to SR-52 are unmitigatable, nor are they consistent with the intent of CEQA.

In addition, we further clarified in our letter on the EIR that the Caltrans SR-52 Managed Lanes TransNet project does not include funding, or design plans for improvements to the SR-52/Mast Boulevard interchange, and that no Project Study Reports (PSR's) are currently planned by Caltrans for the SR-52 corridor at this time. Therefore, we would expect the improvements be identified and implemented through a City project, whereby Caltrans will participate in design review and approval through our permit or project development procedures process. It should also be noted, the Caltrans SR-52 Managed Lanes project is not expected to be complete until the year 2025. This completion year exceeds the 2015 year identified in the Sycamore Landfill EIR, which could result in a delay of future "tickets" based on the structure and language of the EIR as it relates to Long-Term impacts of the Landfill operations.

*"Caltrans improves mobility across California"*

RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TRANSPORTATION (CALTRANS), DISTRICT 11, SIGNED BY JACOB ARMSTRONG, DATED MAY 9, 2008 (LETTER S5A)

Response to Comment S5A-1:

Comment noted.

Response to Comment S5A-2:

It is not clear what the comment means by "In lieu of the proposed Mitigation Monitoring Program..." The Mitigation Monitoring and Reporting Program (MMRP) included in Chapter 13 of the EIR includes eight transportation impact mitigation measures designed to lessen the traffic impacts from the Project to the maximum extent feasible. Three of the mitigation measures found in the MMRP are physical improvements to nearby surface streets and intersections. One of the traffic mitigation measures is a "fair share" contribution to the Caltrans SR-52 Managed Lanes Project. The other four traffic mitigation measures relate to a transportation demand management plan (TDM) designed to restrict Project-related peak hour trips to avoid any significant impacts to either SR-52 or nearby surface streets. If the proposed TDM plan succeeds, the Project would not have any significant impact to SR-52 or nearby surface streets. Because the landfill owner does not have complete control over the timing of all vehicles desiring to access the landfill, it cannot guarantee that the TDM plan will succeed, even if the landfill makes every effort to fully implement the plan. Because the Project cannot guarantee complete success of the TDM plan, the EIR conservatively assumes that the impacts may not be fully mitigated.

After completion of the Draft EIR, the traffic consultant prepared an updated traffic study using the more recent Series 10 SANDAG traffic model to analyze the Project's traffic impacts to SR-52. That study, which is included in Append D5, demonstrates that even if the TDM plan is not a complete success, the Project still would fully mitigate all traffic impacts on the mainline of SR-52. The EIR was not updated to change the traffic conclusions based on the supplemental traffic report, thus the EIR's conclusions are conservative. EIR Table 4.4-15 shows significant project impacts to the SR-52 mainline, westbound from Mast Blvd. during the AM peak period, and eastbound to Mast Blvd. in the PM peak period, based on the existing landfill 10.5-hour operations day, and anticipated project traffic of up to 3,800 ADT associated with waste haul vehicles, and up to 1,470 ADT from other landfill-related trips (Table 4.4-3, row "2010"). It identifies that the only physical solution to the impact is an additional lane in each direction. Since Caltrans is already planning for such a roadway expansion (the SR-52 Managed Lanes Project), the EIR proposes that the applicant pay Caltrans an appropriate "fair share" to help to implement that project (MM 4.4.2). As per CEQA guidance, such a payment would not mitigate the significant impact until the road improvement is completed. In the meantime, the applicant would be doing all that it could to reduce project-related peak period travel, through implementation of the TDMP (Mitigation Measures 4.4.5b through 4.4.5d).

S5A-1

S5A-2

S5A-3

S5A-4

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RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TRANSPORTATION  
(CALTRANS), DISTRICT 11, SIGNED BY JACOB ARMSTRONG, DATED MAY 9, 2008 (LETTER S5A)  
(continued)

Response to Comment S5A-2: (cont'd.)

Significant project impacts to the SR-52 mainline are also identified in 2025, as shown in EIR Table 4.4-17, even though it is assumed that the Managed Lanes Project would be completed and in operation at that time. This is due to continued use in the analysis of a 10.5-hour day, even though up to 24-hour operation has been requested, and anticipated increases in landfill traffic up to that time, including 5,200 ADT from waste haul vehicles, and up to 1,680 ADT from other landfill-related trips (Table 4.4-3, row "2025"). This impact could be mitigated through physical means of providing an additional freeway lane for each direction of travel west of the Mast Blvd. interchange, but such a project be in the Caltrans ROW and would far exceed the project's fair share. Moreover, updated analysis demonstrates that this impact would not exist, and in fact potential impacts to the SR-52 mainline would be fully mitigated, thus no mitigation would be required. Also, a successful TDM program separately would fully mitigate all project impacts to SR-52 mainline.

There are no additional feasible physical improvements. Moreover, although the EIR did not rely upon it, if the landfill expansion operates at the intake levels addressed in the traffic analysis, the long-term impacts would be short-lived, as the landfill would close in approximately 2028. In any event, the applicant, City and Caltrans met following submittal of this letter and agreed upon the appropriate fair share mitigation.

The traffic study analyzed freeway ramp meters at the 2010 and 2025 period, and found no significant project impact at the SR-52 Mast Blvd. ramps (EIR Tables 4.4-13 and 4.4-18). Consequently, no mitigation for ramp impacts is required under CEQA.

Response to Comment S5A-3:

Potential mitigation for the Caltrans facilities (freeways and ramps) was not determined based on jurisdiction, or whether Caltrans has an identified project or mechanism to collect fair share. The EIR specifically identifies needs for increased capacity (e.g., additional westbound freeway lanes, "free" or triple right-turn lanes at the ramps, etc.), and then states where these improvements may not be feasible due to a) the fact they are not in identified projects that could assure their implementation, and b) the applicant and the City both lack jurisdiction to control the implementation of such mitigation. This project cannot fully fund regional improvements on the scale of a freeway mainline widening project. Nonetheless, the project has been conditioned on providing all feasible mitigation, including a TDM program that could fully mitigate any impacts. CEQA does not allow an EIR to rely on provision of a fair share to conclude an impact has been mitigated where the applicant and lead agency do not control or have jurisdiction over the mitigation area, and where no plan evidencing that funding will be available and implementation will occur is in place,

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RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TRANSPORTATION  
(CALTRANS), DISTRICT 11, SIGNED BY JACOB ARMSTRONG, DATED MAY 9, 2008 (LETTER S5A)

(continued)

**Response to Comment S5A-3: (cont'd.)**

and the EIR follows CEQA in calling the impact as significant and unmitigated. Moreover, see Response to Comment S5A-2 regarding the updated traffic study which demonstrates that there would not be a significant unmitigated Project impact on SR-52, and that even without that updated study, under the traffic study in the Draft EIR it is possible that the TDM program could fully mitigate any impact that otherwise would exist on SR-52, if it can be fully implemented.

**Response to Comment S5A-4:**

The EIR defines the deficiencies for the existing and presumed roadway systems, and provides potential mitigation measures. As noted in Response to Comment S5A-3, the TDM Program, if successful, would fully mitigate all impacts to SR-52. In addition, the updated traffic analysis shows that there would be no significant cumulative impact on the SR-52 mainline. Finally, Caltrans, the City and the applicant have met since this letter was provided and have agreed upon the appropriate fair share payment.

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Comment  
Letter S5A  
(cont'd.)

Ms. Elizabeth Shearer-Nguyen  
May 9, 2008  
Page 2

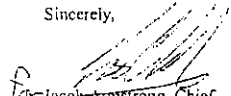
Given the identified need for improvements at the SR-52/Mast Boulevard interchange and the absence of mitigation by the City of Santee or the City of San Diego in their respective EIR's to mitigate impacts associated with their development approvals for Fanita Ranch in the City of Santee and Sycamore Landfill in the City of San Diego, and the fact that Caltrans does not have any plans for improvements, we felt it was important to meet with the local jurisdictions and stakeholders to come to a potential resolution or commitment of funding to implement the necessary improvements.

As a result of our meetings and coordination with both the City of Santee and San Diego, Caltrans developed a preliminary design for improvements to SR-52 and Mast Boulevard. Although we do not agree from a CEQA standpoint that Caltrans has any obligation to design a project in order for a local development project to satisfy their impact mitigation, because of the critical need for these improvements, we have attached a preliminary design for several mitigation options ranging in scope and cost, which Caltrans Design staff would be happy to discuss in more detail with the cities and stakeholders.

With this information, we would like to request a meeting with both the City of Santee and City of San Diego Management and project proponents to discuss the Mitigation Monitoring Program and potential implementation of the proposed design plans, including any cost sharing or execution of agreements.

If you have any questions, please contact me at (619) 688-6960.

Sincerely,

  
For Jacob Armstrong, Chief  
Development Review Branch

cc: Labib Quasem, City of San Diego  
Tim Daly, City of San Diego  
Minjie Mei, City of Santee  
Kevin Mallory, City of Santee

S5A-5

S5A-6

S5A-7

RESPONSES TO COMMENT LETTER RECEIVED FROM DEPARTMENT OF TRANSPORTATION  
(CALTRANS), DISTRICT 11, SIGNED BY JACOB ARMSTRONG, DATED MAY 9, 2008 (LETTER S5A)

(continued)

Response to Comment S5A-5:

The impacts and mitigation measures discussed in the Fanita Ranch EIR and required by the City of Santee are not the subject of this EIR. The City in this EIR has required mitigation for impacts, including a fair share payment as required by Mitigation Measure 4.4.2, and a TDM plan, as well as all other feasible mitigation measures.

Response to Comment S5A-6:

Comment noted.

Response to Comment S5A-7:

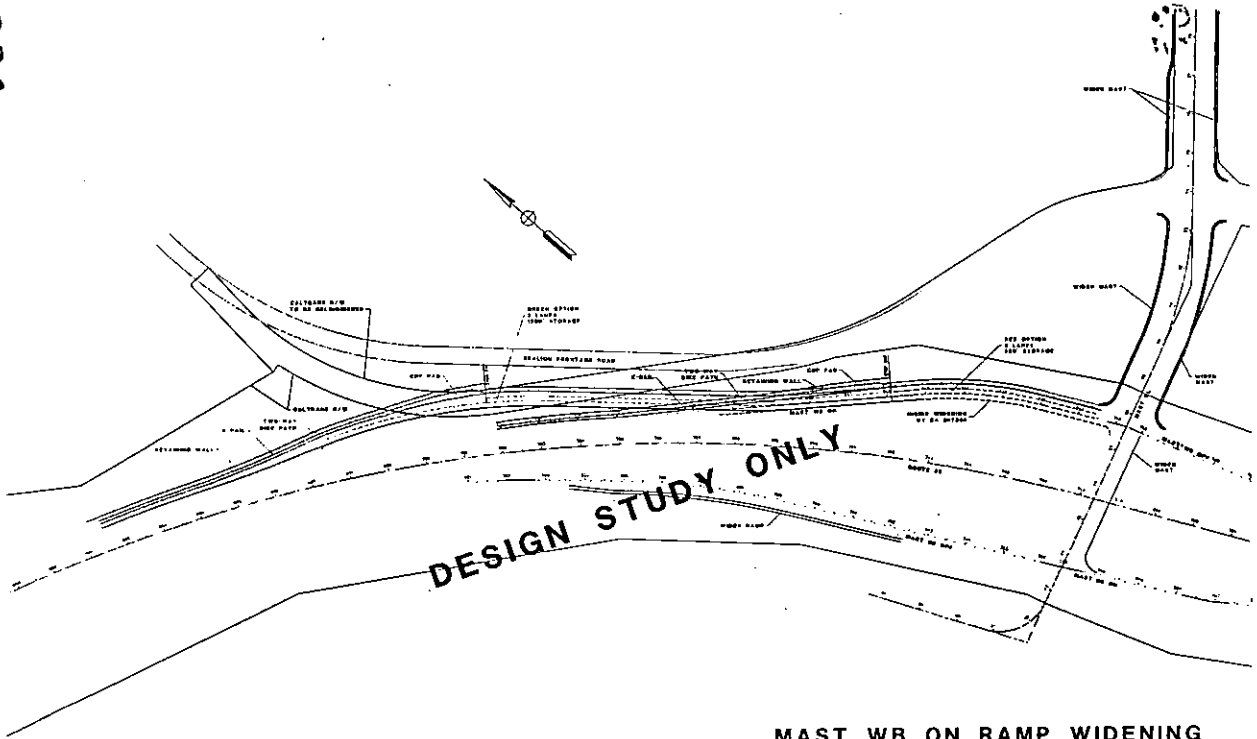
Representatives of the City of San Diego, the City of Santee, and the applicant met with Caltrans representatives on June 5, 2008. At the meeting, the preliminary design plans attached to this comment letter were discussed and it ultimately was agreed that the applicant would make a fair-share contribution of \$1,500,000 to Caltrans through the City of San Diego, to be used to help widen the westbound on-ramp at Mast Boulevard and SR-52. Caltrans confirmed that the \$1,500,000 payment would be the Project's fair-share as identified in the EIR in Mitigation Measure 4.4.2.

"Caltrans improves mobility across California"

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Comment  
Letter S5A  
(cont'd.)

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MAST WB ON RAMP WIDENING



Comment  
Letter S6



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

April 8, 2008

Elizabeth Shearer-Nguyen  
City of San Diego  
1222 First Avenue, MS-501  
San Diego, CA 92101-4135

Subject: Sycamore Landfill Master Plan  
SCH#: 2003041057

Dear Elizabeth Shearer-Nguyen:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 7, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

RESPONSES TO COMMENT LETTER RECEIVED FROM STATE OF CALIFORNIA, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE AND PLANNING UNIT, SIGNED BY TERRY ROBERTS, DATED APRIL 8, 2008  
(LETTER S6)

Response to Comment S6-1:

In this transmittal, the OPR provides comments submitted by the California Native American Heritage Commission and the California Integrated Waste Management Board; these comments had previously been received and are included in these Responses to Comments as Comment Letter S3, Response Number S3-1, and Comment Letter S1, Response Numbers S1-1 through S1-17. No response to the OPR transmittal is required.

S6-1

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

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Document Details Report  
State Clearinghouse Data Base

Comment  
Letter S6  
(cont'd.)

SCH# 2003041057  
Project Title Sycamore Landfill Master Plan  
Lead Agency San Diego, City of

Type	EIR Draft EIR
Description	East Elliot Community Plan Amendment, Amendment of the Progress Guide and General Plan, Rezoning of the Site to IH-2-1 (Industrial), Amendment to Planned Development Permit/Site Development Permit, Approval of a Consolidated Parcel Map, Public Right of Way and Easement Vacations, Grant Deed, and Roadway Encroachment Permit for the continued development of Sycamore Landfill. Under the Master Plan, the landfill footprint would increase by approximately 167 feet, to a maximum height of 1,050 feet AMSL. This would result in an increase in municipal solid waste (MSW) capacity from approximately 71 million cubic yards (mcy) under the current plan; to 151 mcy. Under the Master Plan, the average daily waste tonnage is proposed to increase from the current 3,965 tons per day (tpd) to a maximum of 13,000 tpd, anticipated to occur in 2025, with the increase proposed in a series of steps, depending on when and at what rate solid waste is generated in the region. To facilitate the expansion, new ancillary facilities, including larger sedimentation basins, a larger scales area, a maintenance area, and a new administrative office would be constructed south of the landfill. The project site is generally bound by MCAS Miramar to the north, the eastern ridge line of Little Sycamore Canyon to the west. The project is within the East Elliot Community Planning Area. In addition, new transmission line structures would be built within the existing SDG&E transmission line easement areas.

Lead Agency Contact

Name	Elizabeth Shearer-Nguyen		
Agency	City of San Diego		
Phone	(619) 446-5369	Fax	
Email			
Address	1222 First Avenue, MS-501		
City	San Diego	State	CA Zip 92101-4135

Project Location

County	San Diego
City	San Diego
Region	
Cross Streets	East Boulevard
Parcel No.	
Township	

Proximity to:

Highways	52, 125
Airports	Gillespie Field
Railways	
Waterways	
Schools	
Land Use	RS-1-8 and Open Space

Project Issues	Aesthetic/Visual; Air Quality; Archaeologic/Historic; Coastal Zone; Cumulative Effects; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Noise; Other Issues; Soil Erosion/Compaction/Grading; Solid Waste; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Wildlife
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Reviewing Agencies	Resources Agency; Regional Water Quality Control Board, Region 9; Department of Parks and Recreation; Native American Heritage Commission; Integrated Waste Management Board; Office of Historic Preservation; Department of Fish and Game, Region 5; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 11; Caltrans, Division of
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Note: Blanks in data fields result from insufficient information provided by lead agency.

S6-1  
(cont'd.)

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Comment  
Letter S6  
(cont'd.)

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Document Details Report  
State Clearinghouse Data Base

Aeronautics; Air Resources Board, Major Industrial Projects; Department of Toxic Substances Control;  
Other - Public Comments

S6-1  
(cont'd.)

Date Received 02/22/2008 Start of Review 02/22/2008 End of Review 04/07/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

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Sycamore Landfill Master Plan Final EIR

RTC-62

September 2008

Comment  
Letter S6  
(cont'd.)

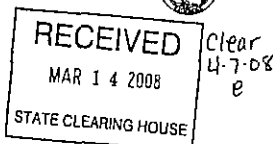
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STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax: (916) 657-6380  
Web Site: [www.nahc.ca.gov](http://www.nahc.ca.gov)  
e-mail: [ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)



March 10, 2008

Ms. Elizabeth Shearer-Nguyen, Planner  
CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT  
1222 First Avenue  
San Diego, CA 92101

Re: SCH#2003041057: CEQA Notice of Completion: draft Environmental Impact Report (DEIR) for Sycamore Canyon Landfill Master Plan, located near City of San Diego, City of San Diego, San Diego County, California

Dear Ms. Shearer-Nguyen

The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a "significant effect" requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the "area of potential effect (APE)", and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible "recorded sites" in locations where the development will or might occur. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278) <http://www.ohp.parks.ca.gov>. The record search will determine:
  - If a part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded in or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
  - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
  - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- ✓ Lack of surface evidence of archaeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

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Comment  
Letter S6  
(cont'd.)

✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

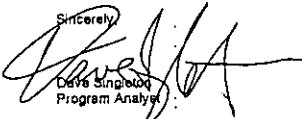
CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave sites.

✓ Health and Safety Code §7050.5, Public Resources Code §5087.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

✓ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton  
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

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Comment  
Letter S6  
(cont'd.)



## CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812-4025  
(916) 341-6000 • WWW.CIWMB.CA.GOV



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GARY PETERSEN  
GPETERSEN@CIWMB.CA.GOV  
(916) 341-6035

March 25, 2008

Ms Elizabeth Shearer-Nguyen  
City of San Diego  
1222 First Avenue, MS-501  
San Diego, CA 92101-4135



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4-7-08  
e

Subject: SCH No. 2003041057 – A Draft Environmental Impact Report for a proposed Master Plan to provide additional landfill disposal capacity at Sycamore Landfill, Solid Waste Facility Permit (SWFP) No. 37-AA-0023, City of San Diego, County of San Diego

Dear Ms Shearer-Nguyen:

Thank you for allowing the California Integrated Waste Management Board's (Board) staff to provide comments for this proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

Board staff has reviewed the environmental document cited above and offers the following project description, analysis and our recommendations for the proposed project based on our understanding of the project. If the Board's project description varies substantially from the project as understood by the Lead Agency, Board staff requests incorporation of any significant differences in the Final Environmental Impact Report.

### PROPOSED PROJECT DESCRIPTION

The City of San Diego Development Services Department, acting as Lead Agency, has prepared and circulated a Draft Environmental Impact Report proposing to:

- increase landfill capacity from 71 million cubic yards to 157 million cubic yards;
- phased increase in daily tonnage limits for Municipal Solid Waste up to 13,000 tons per day in 2025, although annual tonnage currently is limited by the Franchise Agreement at 3965 tons per day;



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Comment  
Letter S6  
(cont'd.)

DEIR Sycamore Landfill

March 25, 2008

- new long term disturbance of less than 39 acres of additional sensitive habitat resulting from proposed development of the landfill, landfill ancillary facilities and relocation of transmission lines with an approximate 26 acre increase in the disposal footprint;
- a vertical expansion of 167 feet to a maximum elevation of 1050 feet above mean sea level;
- estimated closure date of 2028, depending on limits established by the Franchise Agreement;
- increased hours of operation;
- relocation of power transmission lines;
- continued processing and removal of aggregate materials;
- processing of green and wood waste;
- processing of construction and demolition materials;
- composting;
- future expansion of the exist co-generation plant and
- increasing solid waste truckloads to 1295 per day from 7 pm to 7 am not to exceed 259 per hour.

Entitlement for Sycamore Landfill

	Current Entitlements 2004 SWFP	Proposed Entitlements
Total Permitted Acreage	491 acres	519 acres
Permitted Disposal Acreage	324 acres	358.2 acres
Total Capacity	71 mcy	151 mcy
Maximum Permitted Tonnage for Disposal	3965 tons per day	6800 tons per day <sup>1</sup>
Construction and Demolition Debris		500 tons per day <sup>2</sup>
Greens		650 tons per day <sup>4</sup>
Imported Base Material		400 tons per day
Class B Biosolids		400 tons per day <sup>2</sup>
Other Recyclables		7 tons per day <sup>3</sup>
Total Material Received		9000 tons per day <sup>1</sup>
Peak Elevation	883 feet above mean sea level	1050 feet above mean sea level
Maximum Depth	434 feet above mean sea level	No change
Estimated Closure	2031	2028
Maximum Permitted Vehicles per Day	620	1520 <sup>1</sup>
Hours of Operation	6:00 AM - 4:30 PM M-F 6:00 AM - 4:00 PM S-S	24 hours per day

- 2 -

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Comment  
Letter S6  
(cont'd.)

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DEIR Sycamore Landfill

March 25, 2008

- 1 9,400 tons per day in 2010, 10,700 tons per day in 2015, 11,800 tons per day in 2020 and 13,000 tons per day in 2025 and thereafter, until closure.
- 2 Estimated three percent per year increase, reaching up to 877 tons per day in 2025 and 958 tons per day in 2028.
- 3 Peak number of vehicle round trip, one trip in and one trip out would equal a round trip. This number would escalate with increases in tonnage to 2,635 in 2010/2011, 2,925 in 2015/2016, 3,170 in 2020/2021 and 3,440 from 2025/2026 until closure.
- 4 Estimated four percent per year increase. Reaching up to 1,140 tons per day in 2025 and 1,246 tons per day in 2028.
- 5 Estimated four percent per year increase. Reaching up to 701 tons per day in 2025 and 766 tons per day in 2028.
- 6 Increasing to 13 tons per day in 2028.
- 7 Increasing to 16,700 tons per day in 2028. Daily totals rounded up.

There were seven areas where impacts were considered significant, with mitigation, four of those impacted areas were considered less than significant and three were considered Significant and Unmitigatable:

Less than Significant with Mitigation

- Land Use
- Biological Resources (all other)
- Paleontological Resources
- Noise

Significant and Unmitigatable

- Landform Alteration/Visual Quality
- Biological Resources (cumulative impacts to Native Grasslands)
- Traffic/Circulation/Parking
- Air Quality/Odor and cumulative impacts to Greenhouse Gases/Climate Change

BOARD STAFF'S COMMENTS

As a Responsible Agency for Solid Waste Facilities Permit concurrence, Board staff will conduct an environmental analysis for this project, using the Draft Environmental Impact Report developed by the Lead Agency, in accordance with Title 14, California Code of Regulations (14 CCR), Section 15096. To assist in our review of the Draft Environmental Impact Report for Solid Waste Facilities Permit concurrence purposes, Board staff request that the following comments and questions be considered and addressed in the Final Environmental Impact Report.

For clarity and convenience, questions and comments that Board staff is seeking a specific response to will be *italicized* so the reader can more easily locate and respond to them. Board staff will also make statements that in their opinion are fact, if those statements are incorrect or unclear please notify Board staff. *By the environmental document not specifically prohibiting an action or activity that does not give tacit approval to perform that action or activity.*

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DEIR Sycamore Landfill

March 25, 2008

#### Statement of Overriding Considerations

Significant impacts after mitigation to the environment have been identified in the area of Landform Alteration/Visual Quality, Biological Resources (cumulative impacts to Native Grasslands), Traffic/Circulation/Parking and Air Quality/Odor and cumulative impacts to Greenhouse Gases/Climate Change. *Please forward the Statement of Overriding Considerations to the Board prior to adoption by the approving agency.*

#### Final Elevation

*The environmental document indicated that the final elevation is 1050 feet above mean sea level – is that with or without final cover? If it is not with final cover what will be the elevation at closure with final cover?*

#### Permitted Site

The environmental document indicates that the site is 493 acres prior to this expansion; the current Solid Waste Facility Permit indicates the site to be 491 acres. *What is the correct permitted site acreage?*

#### Alternative Daily Cover

The environmental document indicates that only ground greens and wood waste will be used for Alternative Daily Cover. *Are there any other types alternative daily cover anticipated for use? There are a number of types of Alternative Daily Cover approved by the Board; to be used there needs to be a site specific analysis.*

#### Acceptance of Waste

Sycamore Landfill may accept all type of wastes allowed under 27 CCR Sections 20220 and 20230, including dewatered sludge, water treatment sludge and incinerator ash.

#### Traffic/Peak Traffic

On page ES-4 it is stated "Limiting of (7:00 PM to 7:00 AM) solid waste truckloads to 1295 per day and no more than 259 per hour (noise)." It appears that solid waste is only received between 7:00 PM and 7:00 AM. Please clarify what the peak traffic entering the landfill on a daily basis, including any limitations.

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Comment  
Letter S6  
(cont'd.)

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DEIR Sycamore Landfill

March 25, 2008

Disposal Capacity

On page 3-2 it is stated that "volumetric capacity would be increased by approximately 86 million cubic yards." If you add the existing 71 million cubic yards to the approximately 86 million cubic yards you get approximately 157 million cubic yards, not the 151 million cubic yards as stated in multiple locations throughout the environmental document. *Please clarify the actual approximate number of cubic yards of volumetric capacity after this proposed expansion.*

Composting

As far as requiring an additional permit to compost at a fully permitted landfill, none would be required at this time, the composting would be done under the full Solid Waste Facilities Permit for landfill operations. This is subject to change and the final decision would be made by the Local Enforcement Agency.

*At such time as this site is permitted as a full Solid Waste Facility to compost, an Odor Impact Minimization Plan must be prepared. Information can be found at <http://www.civwmb.ca.gov/regulations/Title14/ch31.htm#article3> or refer to 14CCR Section 17863.4.*

*Board staff recommends that since there appears to be odor impacts from the existing landfill operations an Odor Impact Minimization Plan might be developed now for use in minimizing present odors.*

Peak Tonnage

The table presented (Table 3.2-3) lists all the types of material to be received by the landfill by tonnage. The last two columns, column 9 and 10 reference average tonnages, Board staff needs to have specific or peak tonnages per day. *Please either disclose the peak tonnages or affirm that the "averages" are in fact the peak tonnages to be received on a daily basis. What is the peak tonnage of aggregate leaving the site on a daily basis, if known?*

Board staff is of the understanding that the peak daily tonnage for Municipal Solid Waste would escalate periodically beginning at 6800 tons per day. The environmental document states "Of course, the actual tonnage accepted on a daily basis would vary, with the 13,000 tpd representing the maximum amount that could be accepted on any given day." *Is it the intent that the peak tonnage is 13,000 tons per day from the time this environmental document is certified and a new Solid Waste Facilities Permit is concurred on by the Board? If not, please clarify the peak tonnages for Municipal Solid Waste.*

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DEIR Sycamore Landfill

March 25, 2008

#### Hours of Operation

The Construction and Demolition Debris Processing and Greens Processing will operate Monday through Friday, 6 AM through 8 PM. Maintenance Operations are anticipated to go on 24 hours per day. Aggregate Operations will continue Monday through Friday 6 AM through 4:30 PM, and Saturday 6 AM through 4 PM. Public drop-off and recycling will operate from 7 AM through 6 PM Monday through Saturday.

*This environmental document leaves operational hours and days of operation relatively open and it is not the Board's desire to limit those hours and days of operation but would like to know what is being done and when. As an example, when will the landfill working face be "closed" or when will Municipal Solid Waste be received? Especially with 24 hour operations within a city or near a city, there is the concern regarding continual impacts from noise, ground shaking, air quality and glare from nighttime operations to mention a few.*

#### Daily Cover

*If there will be continual disposal of waste at the working face, when and under what circumstances will daily cover/alternative daily cover be applied?*

#### Landfill Operations

In trying to decipher what days and hours the landfill is to operate for disposal Section 3.2.2.4 states "Actual hours of operation would be set by the Landfill General Manager, based on the balancing of many competing operational considerations." *Which in Board staff's opinion leaves hours for receipt of Municipal Solid Waste and disposal thereof open for determination by the landfill operator. Please indicate the hours for the receipt of waste.*

#### Mitigation Measures

The Mitigation Reporting or Monitoring Program should also indicate that agencies designated to enforce mitigation measures in the Environmental Impact Report have reviewed the Mitigation Reporting or Monitoring Program and agreed that they have the authority and means to accomplish the designated enforcement responsibilities.

#### SUMMARY

The Board staff thanks the Lead Agency for the opportunity to review and comment on the Draft Environmental Impact Report and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

Comment  
Letter S6  
(cont'd.)

000076 DEIR Sycamore Landfill

March 25, 2008

The Board staff requests copies of any subsequent environmental documents including, the Final Environmental Impact Report, the Report of Facility Information/Joint Technical Document, any Statements of Overriding Consideration, copies of public notices, and any Notices of Determination for this project.


Please refer to 14 CCR, § 15094(d) that states: "If the project requires discretionary approval from any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the notice of determination with the Office of Planning and Research [State Clearinghouse]."

The Board staff requests that the Lead Agency provide a copy of its responses to the Board's comments at least ten days before certifying the Final Environmental Impact Report. Refer to Public Resource Code, Section 21092.5(a).

If the document is certified during a public hearing, Board staff request ten days advance notice of this hearing. If the document is certified without a public hearing, Board staff requests ten days advance notification of the date of the certification and project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.341.6728 or e-mail me at [rseamans@ciwmb.ca.gov](mailto:rseamans@ciwmb.ca.gov).

Sincerely,

  
Raymond M. Seamans  
Waste Compliance and Mitigation Program  
Permitting and LEA Support Division  
South Branch Permitting  
Environmental Review  
California Integrated Waste Management Board

cc: Bill Marciniak  
Waste Compliance and Mitigation Program  
Permitting and LEA Support Division  
South Branch Permitting, Region 4  
California Integrated Waste Management Board

Lillian Conroe, Supervisor  
Waste Compliance and Mitigation Program  
Permitting and LEA Support Division  
South Branch Permitting, Region 4  
California Integrated Waste Management Board

- 7 -

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000012  
DEIR Sycamore Landfill

Comment  
Letter S6  
(cont'd.)

March 25, 2008

Bill Prinz, Program Manager  
City of San Diego  
Development Services Department  
1010 Second Avenue, Suite 600 MS 606L  
San Diego, CA 92101-4998

Neil Mohr (via email)

- 8 -

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Comment  
Letter S7



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRANT  
DIRECTOR

April 11, 2008

Elizabeth Shearer-Nguyen  
City of San Diego  
1222 First Avenue, MS-501  
San Diego, CA 92101-4135

Subject: Sycamore Landfill Master Plan  
SCH#: 2003041057

Dear Elizabeth Shearer-Nguyen:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on April 7, 2008. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2003041057) when contacting this office.

Sincerely,

Terry Roberts  
Senior Planner, State Clearinghouse

Enclosures  
cc: Resources Agency

RESPONSES TO COMMENT LETTER RECEIVED FROM STATE OF CALIFORNIA, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE AND PLANNING UNIT, SIGNED BY TERRY ROBERTS, DATED APRIL 11, 2008  
(LETTER S7)

Response to Comment S7-1:

In this transmittal, OPR provides comments submitted by the California Department of Fish and Game jointly with the U.S. Fish and Wildlife Service. The letter was previously received and incorporated into these responses as Comment Letter F2, Response Numbers F2-1 through F2-35. No response to the OPR transmittal is required.

S7-1

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

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Comment  
Letter S7  
(cont'd.)

04/10/2008 13:52 FAX 7604315902

US FISH AND WILDLIFE

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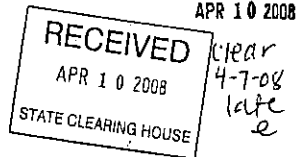
U.S. Fish and Wildlife Service  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road  
Carlsbad, California 92011  
(760) 431-9440  
FAX (760) 431-9618



California Department of Fish and Game  
South Coast Region  
4949 Viewridge Avenue  
San Diego, California 92123  
(858) 467-4201  
FAX (858) 467-4299

In Reply Refer To:  
FWS/CDFG- SAN-08B0434-08TA0473

Ms. Elizabeth Shearer-Nguyen  
City of San Diego  
Development Services Department  
1222 First Avenue, Mail Station 501  
San Diego, California 92101



Subject: Comments on the Draft Environmental Impact Report for the Proposed Sycamore Landfill  
Master Plan, City of San Diego, San Diego County, California (Project No. 5617; SCH  
#2003041057)

Dear Ms. Shearer-Nguyen:

The California Department of Fish and Game (Department) and the U.S. Fish and Wildlife Service (Service), collectively the Wildlife Agencies, have reviewed the above-referenced draft Environmental Impact Report (DEIR) for the Proposed Sycamore Landfill Master Plan (Project), dated February 21, 2008. The Wildlife Agencies appreciate the time extension until April 10, 2008, granted by the City of San Diego for providing comments on the DEIR. The comments provided herein are based on the information provided in the DEIR, the Wildlife Agencies' knowledge of sensitive and declining vegetative communities, and our participation in regional conservation planning efforts. Based on our review of the DEIR, we have concerns regarding the inadequacy of the DEIR in: 1) avoiding, minimizing, and mitigating impacts to biological resources, and 2) providing a thorough assessment of the cumulative effects of the proposed Project.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381 respectively. The Department is responsible for the conservation, protection, and management of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA), and administers the Natural Community Conservation Planning Program (NCCP). The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.).

The Sycamore Landfill site is located in the eastern edge of the City of San Diego, with access via State Route (SR) 52/Mast Boulevard interchange. The site comprises approximately 493 acres in Little

TAKE PRIDE  
IN AMERICA

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Comment  
Letter S7  
(cont'd.)

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US FISH AND WILDLIFE

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Ms. Shearer-Nguyen (FWS/CDFG- SAN-08B0434-08TA0473)

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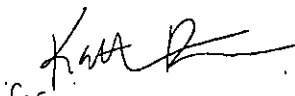
Sycamore Canyon, of which approximately 150 acres have been disturbed to date by prior and on-going landfill operations and excavation, part of approximately 380 acres approved for disturbance under existing permits. The proposed Project would increase the existing landfill area by 26 acres, for a total footprint of approximately 519 acres. Also, the height would increase by 167 feet (existing plan allows 883 feet) for an allowable maximum height of 1,050 feet. The expansion of the landfill would also include additional ancillary facilities and relocation of a San Diego Gas & Electric (SDG&E) transmission line, consisting of a 230 kilovolt (kV) transmission line, a 138 kV transmission line, and a 69 kV transmission line that currently extends diagonally through the landfill site. The City of San Diego's Mission Trails Regional Park is located approximately 3,500 feet south of the landfill site, separated by SR 52. The vegetation communities located on and surrounding the site include chamise chaparral, Diegan coastal sage scrub, coastal sage scrub/native grassland, coastal sage scrub/non-native grassland, valley needlegrass grassland, southern mixed chaparral, non-native grassland, and mule fat scrub. The proposed master plan expansion would impact 2.14 acres of native grassland, 10.61 acres of chamise chaparral, 21.81 acres of Diegan coastal sage scrub, 1.79 acres of Diegan coastal sage scrub/native grassland, 0.79 acre of coastal sage scrub/non-native grassland/native grassland, 0.88 acre of southern mixed chaparral, 0.09 acre of mule fat scrub and 0.64 acre of non-native grassland. Sensitive wildlife species detected during prior surveys included the federally-listed threatened coastal California gnatcatcher (*Poliophtila californica californica*), state protected white-tailed kite (*Elanus leucurus*), grasshopper sparrow (*Ammodramus savannarum*), which is State-listed species of special concern (SSC), and southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*).


In addition to impacts to sensitive plant communities the following State-listed species of special concern would be impacted with implementation of the proposed Project: 10 Nuttall's scrub oak (*Quercus dumosa*); 1,362 San Diego goldenstar (*Adolla clevelandii*); 95 San Diego coast barrel cactus (*Ferocactus viridescens*); and 12,621 variegated dudleya (*Dudleya variegata*). The impacts to these plants would be mitigated by either replacement planting at the required ratio or salvaging affected plants for translocation into dedicated conservation parcels located within the Multi-Habitat Planning Area (MHFA) preserve.

We offer our recommendations and comments in the Enclosure to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with all applicable requirements of the approved Subarea Plan.

If you have questions or comments regarding the contents of this letter, please contact Paul Schlitt of the Department at (858) 637-5510 or David Zoutendyk of the Service at (760) 431-9440.

Sincerely,

  
Therese O'Rourke  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service

  
Stephen M. Juarez  
Environmental Program Manager  
California Department of Fish and Game

Enclosure

cc: State Clearinghouse

000080



Ms. Sheard-Nguyen (FWS/CDPG-SAN-08B0434-08TA0473)

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ENCLOSURE

Wildlife Agencies' Comments on the DEIR for the Proposed Sycamore Landfill Master Plan

1. The Wildlife Agencies are concerned with the significant impacts that the Proposed Project would have on the identified State-listed Species of Special Concern (SSC). The priority in formulating feasible mitigation measures should be to avoid and minimize direct and indirect biological impacts. For example, the Reduced Footprint Alternative would reduce overall impacts to sensitive habitats by roughly 13.5 acres; and greatly reduce direct impacts to narrow endemics to 750 San Diego goldenstar, 50 variegated dudleya, and eight San Diego coast barrel cactus. We strongly recommend that every effort be directed at considering alternative designs proposals that are environmentally superior and clearly demonstrate avoidance and minimization of impacts to native vegetation communities and associated species. There are other alternatives within the DEIR (e.g., alternative transmission line routing south and east of the landfill reducing long-term biological impacts to 0.3 acre, 0.07 acre less than those of the proposed routing to the west and north and reduce temporary construction impacts from 17.35 acres to 9.4 acres) that similarly achieve these goals (CEQA Guideline, Section 15002(a)). Additionally, the Department does not feel that speculative discussion (Section 8.6, page 8-38) that attempts to equate a given impact number of variegated dudleya to allowable cubic yards of trash serve in providing substantive analysis in meeting the objectives of CEQA.
2. Further guidance should be provided regarding the statement that there have been no raptor deaths documented in the last 5 years (page 4.3-26). The Wildlife Agencies request additional discussion within the DEIR that outlines the existing monitoring methods that are currently in place (include baseline survey data and monitoring that is currently in place) that substantiate this conclusion. Furthermore, the DEIR should refrain from statements (page 4.3-45) such as "Biological benefits of the relocation include provision of additional perching locations for raptors....". No documentation was provided within the DEIR that support this position.
3. The project should incorporate design features and citing standards that, at a minimum, meet those defined by the American Power Line Interaction Committee (<http://www.aplic.org/>) for reducing or eliminating avian collision and electrocution risk from power lines. The mitigation measure should be revised to include pre- and post-construction monitoring of transmission and distribution lines for the purpose of: 1) detection of high electrocution or collision risk line segments or poles; 2) assessing the efficacy of installed diverters, perch guards, and other preventative facility measures; and 3) establishing baseline collision and electrocution impact information to inform adaptive management for further reducing impacts and risks.
4. It is not clearly defined within the DEIR whether there would be additional encroachment into specific parcels that were previously conserved as the mitigation requirements associated with the 2003 Brushing and Clearing activities. This information is partially presented within various graphics throughout the DEIR. At a minimum, a separate table should be provided that identifies all of the previously conserved parcels (including the 0.5-acre parcel adjustment) and a comparison column for the currently conserved parcels that are associated with landfill expansion, ancillary facilities and transmission line relocation. Corresponding assessor's parcel numbers and acreage should be provided for each conserved land.

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Comment  
Letter S7  
(cont'd.)

Ms. Shearer-Nguyen (FWS/CDFG-SAN-08B0434-08TA0473)

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5. The DEIR mentions that western spadefoot (*Spea hammondi*) tadpoles were observed in a pool within the project site, but outside the proposed area of disturbance. However, according to *Figure 4.3-3*, also recorded tadpoles on a service road that extends to an area identified as part of the transmission line corridor (i.e., laydown and pull sites). The DEIR should provide further discussion on this and any other known locations of, and measures to avoid and/or minimize impacts to, this State-listed SSC.
6. The executive summary of the DEIR and Biological Technical Report incorrectly state that the grasshopper sparrow (*Ammodramus savannarum*) is adequately covered by the City's MSCP and that impact to this species are considered less than significant. Correction should be made for this State-listed species of concern within the DEIR and technical appendices.
7. Due to recent observations of quino checkerspot butterfly (*Euphydryas editha quino*; quino) within Mission Trails Regional Park (south of landfill) and Fanita Ranch (due east within jurisdiction of the City of Santee) updated focused surveys should be required prior to any construction-related activity and should be included as mitigation conditions within the final EIR. If quino are observed, the City will have to work with the Service to address permitting issues related to quino since it is not a covered species under MSCP.
8. The Biological Technical Report (page 40) mentions approximately 1,522 San Diego goldenstar outside of the MHPA would be impacted by the proposed landfill expansion, whereas the discussion within the Biological Resources discussion (page 4.3-21) of the DEIR states approximate 1,362 would be impacted. Provide clarification for the difference in reported numbers.
9. There are reporting inconsistencies of affected acreages of native habitat (Non-MHPA & MHPA categories) mentioned in discussion (section heading, *A. Land Preparation/Site Planning*, Page 4.1-22) to acreage impact values reported in *Table 4.1-1* and *Attachment 6* of the Biological Technical Report. Similarly, the reported acreage values (page 4.1-40, subsection (d)) do not correspond to those values in *Table 4.1*.
10. The impact acreage for Diegan coastal sage mentioned in Impact 4.3.11 (page ES-21) does not correspond to coastal sage scrub impacts in *Table 4.3-3* (page 4.3-33). Please ensure that acreage impact totals are correct.
11. Section heading *B. Transmission Line Relocation* (page 4.3-24 of DEIR), mentions permanent impacts from the transmission line relocation of 0.37 acre, whereas *Table 4.1-1* reports 0.51 acre of long-term disturbance sensitive habitat, while 0.57 acre is referenced in Attachment 6 of the Biological Technical Report. Provide clarification as to the reason for the variation in anticipated permanent impacts. Furthermore, for *Table 4.3-7* (column heading, *Total Mitigation Acreage Required Inside MHPA/Outside MHPA* of the DEIR) the mitigation requirement for Diegan coastal sage scrub/non-native/native grassland community was not included in the summation of *Permanent Impact Acreage for Impacts Outside MHPA*.
12. The permanent impact acreage for structures (i.e., transmission line relocation) and access roads referenced in the DEIR is reported at 0.37 acre, whereas the Biological Technical Report references 0.53 acre. We would suggest reevaluating *Table 4.3-7* (i.e., DEIR) for computational errors and to

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Ms. Shearer-Nguyen (FWS/CDFG-SAN-08B0434-08TA0473)

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ensure that mitigation acreage requirements are being accurately reported. Likewise, provide clarification to impact discussion provided in Section 4.9 *Geology/Soils* that states, "Sensitive habitat to be permanently removed cover 2.8 acres of the 19.2 acres, as discussed in Impact 4.3-13" (2.8 acres of permanent impacts to native habitat is also being referenced in 4.10 *Hydrology/Water Quality*). The Wildlife Agencies suggest that the biological impact analysis for the DEIR be reevaluated by the lead agency to ensure the accuracy of data presented throughout the DEIR.

13. Page 4.3-26 of the DEIR refers to the addition of 33 transmission towers, whereas page 4.2- 43 mentions approximately 30 replacement structures accounting for 0.55 acre of permanent impact. Reporting inconsistencies should be corrected.
14. The Biological Technical Report (page 64) mentions a total of 10 Nuttall's scrub oak located on the outside edge of the proposed laydown area in the northwestern region of assessor parcel number 366-031-14, whereas page 4.3.25 of the DEIR references 25 Nuttall's scrub oak within the same location (population protected by three strand wire fence). Please correct.
15. The DEIR mentions that the City collects waste tipping fees, however it does not say how those funds are utilized. Because of the difficulty in identifying a regional funding source, the Wildlife Agencies recommend that a portion of the waste tipping fees be used to help implement the long-term management and monitoring activities associated with the MSCP.
16. In regards to slated mitigation measures for the Transmission Line Relocation (i.e., MM 4.3.7), the Wildlife Agencies recommend incorporating the following measures into the existing language:

Train all contractors and construction personnel on the biological resources associated with scheduled project and ensure that training is implemented by construction personnel. At a minimum, training shall include: 1) the purpose for resource protection; 2) a description of the protected species and its habitat; 3) the conservation measures given in the document that should be implemented during project construction to conserve the species of concern, including strictly limited activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoid areas delineated on maps or on the project site by fencing); 4) environmentally responsible construction practices; 5) the protocol to resolve conflicts that may arise at any time during the construction process; 6) the general provisions of resource protection laws, the need to adhere to the provisions of the resource protection laws, and the penalties associated with violating those laws.

17. The Wildlife Agencies recommend incorporating the following standard conservation measures into Mitigation Measure 4.6.6:

To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat, should occur outside of the breeding season (January 15 to August 15). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 100-feet of the construction area, federally- or State-listed birds (e.g., coastal California gnatcatcher, least Bell's vireo) on or within 300-feet of the construction area and nesting raptors within 500-feet of

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Letter S7  
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US FISH AND WILDLIFE

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Ms. Shearer-Nguyen (FWS/CDFG- SAN-08B0434-08TA0473)

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the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers should be established: 1) no work within 100 feet of a non-listed nesting migratory bird nest, 2) no work within 300 feet of a listed bird nest, and 3) no work within 500 feet of a raptor nest. However, the City may reduce these buffer widths depending on site-specific conditions (e.g. the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project applicant should contact the City to determine the appropriate buffer.

A bio-monitor shall be present on-site during all initial grubbing and clearing of vegetation to ensure that perimeter construction fencing is being maintained and to minimize the likelihood that nests containing eggs or chicks are abandoned or falls due to construction activity. A bio-monitor shall also perform periodic inspections of the construction site during all major grading to ensure that impacts to sensitive plants and wildlife are minimized. These inspections should take place once or twice a week, as defined by the City, depending on the sensitivity of the resources. The bio-monitor shall send weekly monitoring reports to the City and shall notify both the City and the Wildlife Agencies immediately if clearing is done outside of the permitted project footprint.

#### Cumulative Impact Analysis

1. In regards to *Impact 5.2a* which states, "A significant long-term cumulative biological impact would result from project-related losses of 4.72 acres of native grassland habitat, or mixed habitats containing native grassland", the Wildlife Agencies request further justification for not adequately mitigating (in-kind) for the direct impact to this sensitive habitat. In accordance with the City's Biology Guidelines, mitigation, based upon the ratios given in Table 3, will be required for all significant upland habitat impacts outside of the MHPA. The City should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment (CEQA Guideline 15021(a)(2)). Additionally, it is not clearly defined within Section 4.1.4.2 of the DEIR that this action is consistent with the City's Environmentally Sensitive Lands Regulations. Furthermore, no discussion was included as to applicant's efforts in pursuing mitigation lands that have commensurate habitat value to offset impacts to this native grassland elsewhere within the City's jurisdiction. The Wildlife Agencies do not agree that impacts to native grassland would be offset by revegetation of the road fill slopes and the landfill surface with native grassland species as these areas would be subject to future maintenance impacts.
2. The cumulative impact analysis makes no reference to the San Diego Community Power Project (SDCPP) proposed by ENPEX Corporation. The project includes a 750 MW gas-fired combined cycle power plant with likely electrical interconnection (230kV line) to the SDG&E Sycamore Canyon Substation. The SDCPP would occupy 60-acres owned by Marine Corps Air Station Miramar. The SDCPP would be located northeast of the existing landfill, directly adjacent to the City's MHPA preserve boundary and the City of Santee to the east. The project site is located northeast of the existing landfill on MCAS/Miramar property, bordered by City's MHPA preserve to the south and City of Santee to the east. This development proposal is part of the alternatives and

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Letter S7  
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Ms. Shearer-Nguyen (FWS/CDFG-SAN-08B0434-08TA0473)

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cumulative impact analysis associated with the SDG&E Company Application for the Sunrise Powerlink Project (SCH# 2006091071). The project has the potential to indirectly affect MHPA lands in various issue areas.

3. The City of Santee draft Multiple Species Conservation Program Subarea Plan should be referenced under Section 5.25 City of Santee General Plan Update.

**Sensitive Plant Translocation Plans****1. Variegated Dudleya**

It is not clear whether any consideration was given to selecting alternate conserved lands for translocation purposes, as opposed to restricting plants solely within the northern portion of APN 366-080-29. The variegated dudleya impacted by the proposed Project is present within seven populations distributed along the western ridge of Little Sycamore Canyon (over a linear distance of approximately 3000 feet). Consideration should be given to distributing plants over a broader area within MHPA land holdings if suitable environmental conditions exist on other conserved lands (as part of mitigation land requirements) that would similarly support translocation.

Additionally, please provide the basis for the translocation performance criteria referenced in the plan. The plan identifies that less than 50 percent of the translocation and enhancement area will be covered by exotic weeds at the end of five years. We would strongly suggest that performance criteria be changed to 0 percent coverage for Cal-IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species. These conditions should be specified on all subsequent revegetation-related construction documents.

According to the aerial photographs (i.e., Figure 4) associated with the proposed restoration site, there is a trail bisecting the revegetation area, along with trails on the periphery. The DEIR should provide additional information concerning the current use of the trails extending through the area and protective measures that are currently in place that would preclude subsequent impacts to all translocation areas. Similarly, this issue should be addressed for all other species proposed to be translocated into this area. The Wildlife Agencies strongly suggest that the City's Mitigation Monitoring and Coordination staff be actively involved in reviewing the adequacy of identified measures.

**2. Nuttall's Scrub Oak**

The DEIR should provide further information regarding the height (or crown foliage) of existing scrub oak that would be removed. Besides the referenced survivorship requirements for the replacement of scrub oak, no further details have been provided as to the basis for the performance standard outlined within this plan and whether the current replacement compensates for the maturity of existing scrub oak. Depending upon the maturity of the scrub oak being impacted, consideration should be given to offsetting impacts at a higher mitigation ratio (either 4:1 or 5:1). Additionally, the Wildlife Agencies suggest that a larger number of *Quercus dumosa* be propagated at the onset of this portion of the project, so as to account for any unforeseen die-off or herbivory interaction that arises during the 5 year monitoring period. Subsequently, this would allow direct replacement during the first and second years, while remaining on track to achieve the 5 year performance criteria. If

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Comment  
Letter S7  
(cont'd.)

04/10/2008 10:53:44 AM 7884313802

US FISH AND WILDLIFE

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Ms. Shearer-Nguyen (FWS/CDFG- SAN-08B0434-08TA0473)

8

protective cages are used for plantings, adjustments should be made to reduce the potential for restricting the lateral growth.

3. San Diego Coast Barrel Cactus

The translocation plan states "Also, coast barrel cactus will be translocated in excess of the impact amount to compensate for mortality and further the increase the probability of success". It is unclear from this statement if additional cacti are being collected beyond the 95 that identified to be impact by the proposed Project. Furthermore, page 4 of the aforementioned plan states that 160 cacti would be removed from an area that falls within the future development zone. Provide clarification within the DEIR as to the total proposed impacts to San Diego coast barrel cactus. Impact numbers to all SSC should accurately be reported throughout the DEIR.

Exotic Invasive Plant Removal Plan (EIPRP)

1. Perennial pepperweed (*Lepidium latifolium*) has previously been reported near Kumeyaay Lake in Mission Trails Regional Park. We recommend that this species be included in Table 1 of the EIPRP. As part of adaptive management strategy associated with this plan, we also recommend that monitoring and reporting of high priority invasives involve notification to the County of San Diego's Department of Agriculture Weed Management Area Coordinator for county-wide tracking purposes.

Other CEQA Requirements

There are multiple examples within the Biological Technical Report where the quantified acres of habitat impacts outlined in project related tables do not correspond to the same habitat acreage impacts referenced within the narrative. Consequently, there is inaccurate impact data that has been incorporated into the DEIR analysis. The DEIR should contain accurately summarized technical data, which sufficiently permits a full assessment of significant environmental impacts by governmental decision-makers and the public. In order to ensure that the impacts are accurately disclosed as part of the CEQA review process, we recommend reevaluating the data provided in the DEIR and correcting inaccuracies in the final EIR:

- The impacted acreage (outside the MHPA) referenced on page 32 of the Biological Technical Report, does not correspond to acreage impacts reported in Table 7 (Table 7 sums are incorrect) within said report.
- Acreage values reported in Table 4 (category – Diegan and disturbed coastal sage scrub outside MHPA) of the Biological Technical Report, does not correspond to the corresponding acreage value reported in Table 7.
- The impact acreage totals mentioned under section heading *I. Vegetation Community Impacts* (page 32 of Biological Technical Report) does not correspond to impact total calculated in Table 4 (column heading - Inside MHPA/Outside MHPA) for this same report.
- Attachment 2 within the Biological Technical Report does not correspond to the Sycamore Canyon Landfill DEIR (i.e., enclosed Table entitled: SENSITIVE PLANT SPECIES WITH THE POTENTIAL FOR OCCURRENCE WITH THE 45<sup>TH</sup> AND BOSTON CANYON SURVEY AREA). Subsequently, no master list of wildlife species detected or observed for evaluation purposes has been provided in the DEIR. Please provide the correct list of wildlife species observed for the subject project.

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Comment  
Letter S7  
(cont'd.)

Ms. Shearer-Nguyen (FWS/CDFG- SAN-08B0434-08TA0473)

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- Page 32 – Mule fat scrub is not included in narrative of vegetation community impacts.
- 21.82 acres of chamise chaparral impacts is referenced on page 39 of the Biological Technical Report, whereas 11.47 acres is referenced in *Table 4* of the same report (DEIR states 10.61 acres). Furthermore, *Table 4* states 2.14 acres native grassland impact, whereas 0.48 acre impact (under section heading 3. Sensitive Biological Resource Impacts) is referenced in the narrative. Likewise, the acreage totals for Diegan and disturbed coastal sage scrub reported in *Table 4* does not correspond to acreage totals for this habitat category in the narrative (under section heading 3. Sensitive Biological Resource Impacts).
- Per *Attachment 6* of the Biological Technical Report, the impact acreage total for MHPA - Landfill expansion and ancillary facilities sum to 14.69 acres, whereas impact acreage in Section *f. Multi-Habitat Planning Area* (page 45) of this same report, mentioned 13.86 acres of MHPA lands.
- Reporting errors exist for impact acres between *Attachment 6* and impact acres reported in Section *f. Multi-Habitat Planning Area* (page 45 of the Biological Technical Report). For example, 13.58 acres of long-term impact (*Attachment 6* - row heading long-term impact only for MHPA), whereas 11.43 acres of long-term impact (20.06% of MHPA reported) is stated in narrative. Furthermore, *Attachment 6* references 6.96 acres of long-term impacts to Tier III and IV habitats, whereas narrative states 5.88 acres for the respective Tiers.
- Under section heading 1. *Vegetation Community Impacts* (page 62, Biological Technical Report), the permanent impact acreage (inside/outside MHPA) mentioned within narrative does not correspond to impact acres referenced in *Table 9* of the same report.
- *Table 9* (i.e., Biological Technical Report) includes an impact to native grassland (*Structures and Access Roads*) outside the MHPA; however, *Table 10* within the same report does not reference that impact. All mitigation acreages mentioned in section *B. Mitigation Measures* should correspond to mitigation requirements referenced in *Table 10*, along with corresponding to mitigation measure referenced in the DEIR.
- The impact acreages mentioned under section heading *f. Multi-Habitat Planning Area* (i.e., Biological Technical Report) does not correspond to acreage impact in *Attachment 6* (e.g., 14.08 long-term transmission line relocation impacts does not correspond to impact values reported in *Attachment 6*).
- The required mitigation (15.37 acres) for coastal sage scrub (LF outside MHPA) identified in *Table 4.3-3* of the DEIR does not correspond to mitigation acreage referenced in *Table 7* of the Biological Technical Report (i.e., 14.84 acres).
- In *Table 7* (Biological Technical Report) the impacts column heading *Total Inside MHPA* does not match the *Impact Totals-MHPA* category reported in *Table 4.3-3* of the DEIR. Furthermore, *Total Outside MHPA* reported in *Table 7* does not correspond to *Totals- Non-MHPA* reported in *Table 4.3-3*. It would be beneficial if the impacts to sensitive vegetation communities identified in the biological technical appendix corresponded to biological impact data referenced in the DEIR; including total impacts for all sensitive habitat categories (e.g., required mitigation).
- The impact acreages mentioned in section heading 4.3.4.3 *Significance of Impact*, of the DEIR does not correspond to the values in *Table 4.1.1 Sycamore Landfill Master Plan – Master Table of Areas*.

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Comment  
Letter L1

000088

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Travis Cleveland  
Regional Planner  
San Diego Association of Governments (SANDAG)  
401 B Street, 7th Floor  
San Diego, CA 92101  
Email: tcl@sandag.org <mailto:tcl@sandag.org>  
Phone: (619) 699-7336

April 7, 2008 7000300  
Elizabeth Shearer-Nguyen  
City of San Diego  
Development Services  
1222 First Avenue  
San Diego, CA 92101

SUBJECT: Sycamore Canyon Landfill Master Plan

Dear Elizabeth:

Thank you for the opportunity to comment on the Sycamore Canyon  
Landfill Master Plan Draft EIR.

Our comments, which are based on policies included in the Regional  
Comprehensive Plan (RCP), Regional Transportation Plan (RTP), and the  
Congestion Management Program (CMP), are submitted from a regional  
perspective emphasizing the need for land use and transportation  
coordination and implementation of smart growth principles.

State law gives SANDAG the authority to determine whether a project will  
need to be reviewed for regional significance. SANDAG staff has reviewed  
this document and determined that it is regionally significant; therefore,  
the environmental review of this project should include consideration of  
applicable policy objectives contained in the RCP, Congestion Management  
Program (CMP), and the RTP.

The EIR should address the following issues associated with these

Page 2 of 5

000088



000032

Comment  
Letter L1  
(cont'd.)

documents:

**Land Use and Transportation:**

A key objective of the Regional Comprehensive Plan (RCP) is to increase the use of Transportation Demand Management (TDM) programs that encourage alternatives to driving alone during peak periods, such as carpooling, vanpooling, telecommuting, and flexible work hours. SANDAG supports the development of a Transportation Demand Management (TDM) plan as a part of this development. TDM plans reduce trips during peak travel times and can be used as partial mitigation for transit and transportation effects of projects. Please contact Kimberly Weinstein at 619-699-0725 or kwi@sandag.org <mailto:kwi@sandag.org> for more information and suggestions on Transportation Demand Management programs.

L1-1

**Environment:**

Another key RCP objective is to achieve and maintain federal and state clean air standards. SANDAG is working with the California Air Resources Board (CARB) and other agencies to ensure compliance with emerging AB 32 greenhouse gas emissions requirements.

L1-2

The greenhouse gas analysis in the DEIR and ongoing measures undertaken by the City of San Diego to mitigate the climate change impacts of solid waste are commendable. Though the DEIR concludes that climate change impacts are unmitigable, the following mitigation measures deserve closer evaluation:

⊙ **Use of captured biogas for on-site cogeneration.** The DEIR states that 30% of captured biogas will be flared into the atmosphere as carbon dioxide, rather than reused as an energy resource. The project developer should explain the nature and extent of its commitment to utilizing captured biogas for energy production.

L1-3

⊙ **Anaerobic digestion/composting technology.** It is not clear in the DEIR if or how biogas will be captured from the proposed composting operation. Biogas is emitted from organic waste, and if that organic waste is separated from the waste stream and composted, how will the

L1-4

RESPONSES TO COMMENT LETTER RECEIVED FROM SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG), SIGNED BY TRAVIS CLEVELAND, DATED APRIL 7, 2008 (LETTER L1)

**Response to Comment L1-1:**

Comment noted. The Transportation Demand Management (TDM) program required by this EIR exceeds typical TDM programs because it attempts to limit facility-related trips not just during the peak hours on SR-52, but during the peak periods. By expanding the proposed hours of operation and using pricing and other controls, the applicant plans to accommodate waste haulers who may be able to adjust their disposal times to non-peak travel periods and encourage off-peak travel. Ms. Weinstein was contacted on May 31, 2008 for additional suggestions, as requested by the commenter.

**Response to Comment L1-2:**

Comment noted. Each specific mitigation measure recommended by the San Diego Association of Governments (SANDAG) for closer evaluation is addressed in the following Responses to Comments L1-3 through L1-5.

**Response to Comment L1-3:**

The EIR does not state that 30% of captured biogas would be flared into the atmosphere as carbon dioxide. The energy plant is permitted, operates independently of the landfill, by a third party, and converts much of the landfill gas to energy. The EIR states in Section 3.2.1.2 (on page 3-19) "SLI has committed to assuring that all feasible landfill gas is used for energy production if the contractor does not opt to do so."

**Response to Comment L1-4:**

As stated in the second to last bullet of EIR Section 3.2.1 (page 3-7) and also in section 3.2.1.5 (pages 3-29 and 3-31) of the EIR, possible future development of a composting program is being considered to assist local governments in diverting organic materials away from the landfill waste stream. However, no specific plans for composting are included in the EIR. Composting is only reviewed in the EIR on a program level and would have to be evaluated on a Project level prior to implementation, since there are too many unknowns about the operations (and potential air impacts) to assure complete analysis at this stage. Should a specific composting plan be identified in the future, the activity would first be reviewed on a Project level basis to determine if additional CEQA analysis and permits are required. Potential impacts previously addressed and included in the EIR for composting include traffic, noise, land use, visual, biology, paleontology, historical resources, geology and hydrology/water quality. Air impacts due to emissions from composting operations are evolving and the current data available would be used for the air quality analysis prior to beginning composting operations. Composting is described in the EIR as occurring in windrows, but alternative methods would be considered in the future during Project development and subsequent environmental review.

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Comment  
Letter L1  
(cont'd.)

associated gases be treated? The project developer should evaluate proven anaerobic digestion technologies that produce both compost and biogas.

L1-4  
(cont'd.)

© **Alternative fuel infrastructure.** The proposed expansion of the facility will result in increased refuse hauler traffic. The developer should consider installing an LNG, CNG and/or biodiesel fueling station that would benefit from close proximity to the region's refuse hauler fleets.

L1-5

**Requested Corrections to DEIR pages**

1. Page ES-26, MM 4.4.2: Please change this sentence to read "Prior to increasing landfill tickets above the 620 tickets per day now allowed, the applicant shall make a fair share contribution to the Caltrans project (Managed Lanes Project) to widen SR-52 west of Mast Boulevard, working with the City of San Diego, and Caltrans, and SANDAG to implement the appropriate payment." Please also change this in Table 4.4-21 on page 4.4-38.

L1-6

SANDAG, as the transportation planning agency for the San Diego region, should participate in this process.

2. Page 4.4-13, B. SANDAG Congestion Management Program: The most recent CMP update was in 2006, not 2003 as stated here.

L1-7

3. Page 4.4-26 and 4.4-29, A. Landfill Expansion: The meaning of this section is not clear. Is the applicant stating that they cannot/will not mitigate for impacts to State Route 52 because their impacts are not in the Regional Transportation Plan? Please clarify. Later, at 4.4-30, MM 4.4.2, the document states that the project will be making a fair share contribution.

L1-8

4. Page 4.4-37, MM4.4.5d: Other suggestions for TDM include providing disposal appointments by phone or internet and prohibiting waiting at or near the site for tickets. Please contact Kimberly Weinstein at the number above for more suggestions.

L1-9

5. Page 5-13, Table 5.3-1, Impact to SR-52 west of Mast Blvd: In the Fair Share Contribution Column, the document states that no fair share mitigation is possible because Caltrans has not identified any further needs

L1-10

Page 4 of 5

**RESPONSES TO COMMENT LETTER RECEIVED FROM SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG), SIGNED BY TRAVIS CLEVELAND, DATED APRIL 7, 2008 (LETTER L1)**

(continued)

**Response to Comment L1-5:**

If the applicant had the rights to all of the gas, installing an LNG or CNG might be feasible. However, the rights to the landfill gas generated at Sycamore Landfill were previously sold by San Diego County to a third party, which operates the Sycamore landfill gas recovery plant. A biodiesel facility would require additional development footprint, with associated anticipated biological impacts, and additional truck trips to deliver the biodiesel, and is not considered feasible.

**Response to Comment L1-6:**

Comment noted.

**Response to Comment L1-7:**

Comment noted. The text in the Final EIR on page 4.4-13 has been revised and shown in strikeout/underline format to note the 2006 date.

**Response to Comment L1-8:**

Please see Response to Comment S5-13.

**Response to Comment L1-9:**

Please see the Response to Comment S5-13. SLI anticipates, as a part of its transportation demand management (TDM) plan, that it would make arrangements with its regular customers to schedule waste deliveries, including transfer trailers from remote transfer stations, during off-peak hours to aid in reducing peak hour traffic flows. This would be a form of "disposal appointment." Sycamore Landfill has proposed to relocate its scales and the ticket house to a point approximately 3000 feet from the entrance to the facility off Mast Boulevard to allow more than a half-mile of on-site, off-road queuing for any waste trucks that are waiting to obtain a ticket for disposal.

**Response to Comment L1-10:**

See Response to Comment S5-13. The Final EIR shows a significant unmitigated impact to SR-52, but an updated analysis attached as Appendix D5 demonstrates that in fact there would be no significant unmitigated impact to SR-52 and therefore no mitigation beyond the SR-52 "Managed Lanes" Project would be required.

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Comment

Letter L1

(cont'd.)

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improvements to SR-52. It is not clear why this is the case; if this project triggers infrastructure improvements, it is expected that they be provided. Please clarify.

L1-10

(cont'd.)

**Conclusion**

We appreciate the opportunity to comment on this project. We note that the comment period in the notice ended on Sunday, April 6, 2008; however, the law allows for submitting comments on the next business day after deadline when a deadline occurs on a weekend or holiday. If you have any questions or concerns regarding my comments on this project, please contact me at 619-699-1984 or ccl@sandag.org.

Sincerely,

Coleen Clementson  
Principal Regional Planner

TCL/

----- End of Forwarded Message

000091

Mon, Apr 7, 2008 4:38 PM

**Subject: Re: Sycamore Landfill Master Plan DEIR; Project No. 5617**  
**Date:** Monday, April 7, 2008 4:37 PM  
**From:** ralph.kingery <ralph@brginc.net>  
**To:** ralph.kingery <ralph@brginc.net>

## Comment Letter L2

> FYI  
>  
> Elizabeth Shearer-Nguyen  
> Associate Planner  
> Phone 619.446.5369/Fax 619.446.5499  
>  
> -----Original Message-----  
> From: Reider, Robert [mailto:Robert.Reider@sdcounty.ca.gov]  
> Sent: Monday, April 07, 2008 1:12 AM  
> To: DSDEAS  
> Subject: Sycamore Landfill Master Plan DEIR; Project No. 5617  
>  
> To whom it may concern,  
>  
> Thank you for the opportunity to participate in the City's environmental  
> review process for the above named project. Staff of the San Diego County  
> Air Pollution Control District (APCD) conducted a general review of the Draft  
> Environmental Impact Report (DEIR), focusing on Section 4.7 (Air Quality) and  
> Appendix F3 (Air Quality Mitigation Management Plan), and offer the comments  
> listed below. For context, please be aware that, due to resource  
> constraints, APCD has not verified the detailed air pollutant emission  
> calculations and air modeling results contained in these documents. APCD  
> must conduct a more extensive evaluation in the future when Sycamore Landfill  
> Inc. applies for required air permits (e.g., Authority to Construct and  
> Permit to Operate). The DEIR-related comments below do not substitute for or  
> constrain any future APCD review of this project for air permitting purposes.  
>  
> 1. The Air Quality section (pg 4-7.1 et seq.) identifies different  
> emission rate thresholds from different agencies, but applicable APCD  
> requirements are not emphasized. While APCD's New Source Review (NSR) rules  
> are mentioned briefly, the specific APCD requirements and standards that  
> would apply to this project are not apparent in the DEIR.  
>  
> 2. The project emission increases presented in Table 4.7-7 (pg 4.7-27)  
> appear to constitute a "major modification" of an existing "major source" of  
> emissions pursuant to APCD rules. However, a discussion of possible project  
> requirements involving Best Available Control Technology (BACT), Toxic BACT,  
> Lowest Achievable Emission Rate (LAER), and emission offsets is not apparent  
> in the DEIR.  
>  
> 3. The DEIR (pg 4.7-36) states that "No feasible and effective  
> mitigation measures are known for the NOx and VOC emissions." Please be  
> advised that NSR emission offset requirements, if applicable, would  
> constitute a form of mitigation for NOx and VOC emission increases.  
>  
> 4. Health risk assessment results are reported (pg 4.7-32) as "the  
> calculated cancer risk at the maximum impacted sensitive receptor east of the  
> landfill property line is 3 in a million. This is below the applicable  
> significance threshold of 10 in a million. The maximum acute and chronic  
> hazard indices at sensitive receptors are 0.14 and 0.019, respectively, both  
> of which are below the significance level of 1.0." Please clarify whether  
> these health risks represent the cumulative total risk of the finalized  
> project or only the increased impacts associated with the expansion itself.  
>

L2-1

L2-2

L2-3

L2-4

L2-5

RESPONSES TO COMMENT LETTER RECEIVED FROM SAN DIEGO COUNTY AIR POLLUTION  
CONTROL DISTRICT, SIGNED BY ROBERT REIDER, DATED APRIL 7, 2008 (LETTER L2)

### Response to Comment L2-1:

Comment noted. This comment does not address the adequacy of the EIR and therefore no further  
response is necessary.

### Response to Comment L2-2:

Appendix F1 provides additional details on the applicable San Diego Air Pollution Control District  
(SDAPCD) requirements, including those contained in the New Source Review (NSR) rules. The SDAPCD  
Air Quality Impact Assessment (AQIA) thresholds of significance for stationary sources (as established by  
SDAPCD Regulation II, Rule 20) are discussed in Section 4.2 of Appendix F1 to the EIR and the thresholds  
are listed in Table 4.7-6 of the EIR. Table 7-2 of Appendix F1 to the EIR presents a comparison of the  
proposed incremental criteria pollutant emissions for stationary sources to the SDAPCD AQIA significance  
thresholds.

This comparison is also discussed in Section 7.2.1 of Appendix F1 to the EIR. As this section notes, an  
AQIA was required for CO and PM<sub>10</sub>. The APCD regulations that are described in this response were used  
in the analysis of the ambient air quality impacts. In addition, the APCD requirements were incorporated  
into the Project design, as the proponent must comply with APCD rules and regulations in order to obtain  
an Authority to Construct, which is required for the expansion. This includes the incorporation of Best  
Available Control Technology on the landfill control devices, and the minimization of dust from landfill  
operations

### Response to Comment L2-3:

The EIR discussed the fact that permitting was required for additional landfill flare or turbine capacity.  
Additional discussion of the SDAPCD permitting requirements, including best available control technology  
(BACT), Toxics BACT, lowest achievable emission rate (LAER), and emissions offsets, is included in  
Section 4.7.1.6.D of the EIR. BACT is required for any new or modified emission unit which has any  
increase in its potential to emit (PTE) for PM<sub>10</sub>, NO<sub>x</sub>, VOC, SO<sub>x</sub> and which has a post-Project PTE of 10  
lb/day or more of any of these pollutants. As noted in Table 6-19 of Appendix F1 to the EIR, the  
flare/turbine post-Project PTE for each of these pollutants is greater than 10 lb/day. Therefore, these  
emission units would be subject to BACT. BACT requires the installation of devices that meet the most  
stringent air pollution control limits as part of the Project design. The calculation of emissions from the  
additional flare or turbine capacity included a discussion of BACT as presented in Section 6.1.1.2.1 of  
Appendix F1 to the EIR. MM 4.7.1L requires the routing of all landfill gas (LFG) to a New Source  
Performance Standards (NSPS) approved control device, which is BACT. In Table 7-2 of Appendix F1, the  
flare/turbine incremental emissions were compared to the SDAPCD AQIA significance thresholds for

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RESPONSES TO COMMENT LETTER RECEIVED FROM SAN DIEGO COUNTY AIR POLLUTION  
CONTROL DISTRICT, SIGNED BY ROBERT REIDER, DATED APRIL 7, 2008 (LETTER L2) (continued)

**Response to Comment L2-3: (cont'd.)**

criteria pollutants. The PM<sub>10</sub> and CO emissions exceeded these thresholds, so air dispersion modeling was conducted to evaluate the PM<sub>10</sub> and CO impacts. In Table 9-1 of Appendix F1, the incremental criteria pollutant emissions from all sources were compared to the SCAQMD regional significance thresholds for operational emissions. The mitigated incremental NO<sub>x</sub> and VOC emissions exceeded these daily thresholds. As a result, Section 9.1 of Appendix F1 states that: "As a result, this Project is considered to have significant air quality impacts due to VOC and NO<sub>x</sub> emissions. These impacts are considered to be on a regional basis." As part of the air quality analysis, incremental NO<sub>x</sub> emissions were modeled for comparison with the national and California ambient air quality standards (NAAQS/CAAQS). As there is no threshold for VOCs, as part of the NAAQS/CAAQS, no modeling for VOCs is feasible.

**Response to Comment L2-4:**

Comment noted.

**Response to Comment L2-5:**

The health risks presented in the EIR are based on incremental emissions and, therefore, represent the increased impacts associated with the expansion, including the existing waste in place.

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Comment  
Letter L2  
(cont'd.)

> 5. Landfill gas estimates are reported (pg 4.7-41) as "the maximum amount of landfill gas for the Master Plan expansion would be generated in Year 23, when the average landfill gas generation is estimated to be 20,904 scfm. Assuming a collection efficiency of 90 percent, there would be a projected control of 18,813 scfm of landfill gas. Maximum surface landfill gas emissions would be 2,090 scfm." Please clarify whether these gas generation estimates represent the total overall landfill gas emissions after expansion, or only the proposed increase.

L2-6

> 6. The Executive Summary project description (pg ES-3) proposes that "the total landfill capacity would increase from 70 million cy to 157 million cy." The current APCD Permit (No. 97111 / Condition No. 44) limits the design capacity of this waste disposal operation to "approximately 40,200,000 cubic yards" or 40.2 million cy. For APCD permitting purposes, this proposed landfill expansion to 157 million cy represents a quadrupling in capacity, and consequently the potential emission increases could be greater than reported in the DEIR.

L2-7

> 7. Table 4.7-2 (pg 4.7-11) identifies key air pollution related processes and equipment involved in this project. The DEIR (pg 4.7-10) states that other "potential emission sources, such as the Hanson Aggregate Plant, would not change as a result of the project." The DEIR also states (pg 4.7-12) that "the collected gases are transported (to the maximum extent allowed by contract with Gas Recovery Systems Inc.) to a cogeneration power plant where the landfill gas is used as fuel for gas turbines that generate electricity." Please clarify whether expected changes to the sub-contractor process rates (e.g., haul road lengths, gas flow rates, etc.) have been included in the DEIR emission calculations and health risk assessment evaluations. Also, please be aware that APCD has not yet determined whether the on-site sub-contractors (e.g., Hanson and Gas Recovery Systems Inc.) are, or should be, considered part of both the pre-project potential to emit and the post-project potential to emit. The will impact emission calculations for air permitting purposes.

L2-8

> 8. An Air Quality Mitigation Management Plan is provided in Appendix F3 (pgs 927-929) of the DEIR. The 25 items listed generally represent minor operational performance details already required by the existing APCD permit. Possible key new requirements involving BACT, Toxics BACT, LAER, and emission offsets are not apparent in the DEIR.

L2-9

> If you have questions regarding these comments or the air permitting process, feel free to contact me or David Byrnes, Air Pollution Control Engineer, at 858/586-2736.

> Sincerely,

> Robert Reider  
> Planning and Rules Supervisor  
> San Diego County Air Pollution Control District  
> 10124 Old Grove Road  
> San Diego, CA 92131

> (858) 586-2640

>  
>  
>

000094

RESPONSES TO COMMENT LETTER RECEIVED FROM SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT, SIGNED BY ROBERT REIDER, DATED APRIL 7, 2008 (LETTER L2) (continued)

Response to Comment L2-6:

The maximum gas generation estimates for Year 23 represent the total overall landfill gas emissions after expansion.

Response to Comment L2-7:

The SDAPCD permit limits the disposal in the landfill to approximately 40.2 million cubic yards (mcy), and that 40.2 mcy is the baseline used in the air quality analysis for the EIR. However, the baseline entitlement for the facility through the Local Enforcement Agency (LEA) and the California Integrated Waste Management Board (CIWMB) is 70 mcy. In 2006, the SWFP was administratively modified by the LEA, as confirmed by the CIWMB, to reflect an updated calculation for total disposal capacity of 70 mcy, with no change in the current approved landfill design. The landfill has not yet accepted 40 mcy of waste. Prior to exceeding that level, a new APCD permit would be sought. When the SDAPCD expansion permit is filed, it would use 40.2 mcy as the permit baseline.

Response to Comment L2-8:

See Response to Comment L2-7.

Response to Comment L2-9:

See Response to Comment L2-3.

Comment  
Letter L3



FORMAL RESPONSE TO THE  
SYCAMORE LANDFILL MASTER PLAN - PROJECT #5617  
EIR/EIS - SCH NO. 2003041057  
Submitted this 3rd day of April 2008

Padre Dam Municipal Water District's ("Padre Dam") review of the Sycamore Landfill Master Plan is that the landfill serves an important service to the San Diego region. In considering the expansion of the Sycamore Landfill, Padre Dam found that consideration of the issues that concern Padre Dam and Santee Lakes were not fully evaluated by the research for the EIR/EIS. In the review of the information provided in the EIR/EIS, Padre Dam believes that the following areas need to be addressed in more detail and fully mitigated within the EIR/EIS document.

- One important mitigation measure to be included in the plans for the Sycamore Landfill Expansion is that Padre Dam be included in an oversight committee (or possibly as additional member of the existing local enforcement agency ("LEA")) since potential adverse affects of this expansion could impact the Santee Lakes Recreation Preserve which is owned and operated by Padre Dam.
- Another important issue for Padre Dam is that the City of San Diego and County of San Diego provide assurance that the future siting of any landfill for the City and/or the San Diego Region is not within viewshed, odor and noise vicinities of the Santee Lakes Recreation Preserve. The EIR report Chapter 8 indicates that an area next to Sycamore Creek and other areas close to the Sycamore Landfill were candidates for a new landfill location but were too small in comparison to the proposed project and required substantial habitat disturbance. Padre Dam would ask for these assurances as part of the mitigation for the impacts should the project move forward.
- On page 2-12 of the EIR there is a statement that "Minimization of potential water pollution at the site is aided by the dry climate here in San Diego. However, the unlined portion of the landfill proactively uses control of precipitation, a gas-control system, and a system of regularly monitored groundwater wells to maintain the quality of groundwater below the landfill. If pollutants in excess of applicable standards are identified in the monitoring wells, corrective actions plans (CAPs) can and would be implemented to preclude such pollutants moving offsite." 4.1-14 Item 8 says the landfill would be closed according to the requirements of CCR Title 27 and that final closure plans would be submitted and approved by RWQCB, LEA, CIWMB and APCD. There is no mention of sending this plan to the City of Santee or Padre Dam for comment and input prior to submission to these approval agencies. Being affected by this landfill, both the City of Santee and Padre Dam should be included in the plans for final closure efforts that hold potential future impacts to their communities.

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RESPONSES TO COMMENT LETTER RECEIVED FROM PADRE DAM MUNICIPAL WATER DISTRICT,  
SIGNED BY DOUGLAS S. WILSON, DATED APRIL 3, 2008 (LETTER L3)

Response to Comment L3-1:

There are a number of state and local agencies with regulatory oversight responsibility for landfills, including the Local Enforcement Agency (LEA). State law governs the composition of the LEA and does not provide a mechanism for inclusion of Padre Dam. The City of San Diego already is requiring all feasible mitigation measures and is responsible for monitoring and reporting regarding those measures as indicated in the Mitigation Monitoring and Reporting Program (MMRP). The City encourages Padre Dam to contact the LEA or the landfill operator if it experiences any unforeseen adverse impact from the Project.

Response to Comment L3-2:

There is no new landfill location proposed as part of this Project, nor is one shown in the County Integrated Waste Management Plan Countywide Siting Element. Other potential sites that may be proposed in the future would not be associated with this Project. This Project does not create the need for a new landfill site. The FEIR concludes that the alternative sites would not result in avoidance of significant impacts associated with the Project, and in fact would increase potential biological impacts, while decreasing the region's landfill capacity. Should such a landfill Project ever be proposed, it would of course generate its own environmental review and ultimately its own mitigation measures.

Response to Comment L3-3:

The comment correctly quotes from the FEIR regarding the methods by which potential water pollution is minimized. In addition, it correctly notes that the landfill would be closed according to the rules and regulations found in Title 27 of the California Code of Regulations. There are many regulations that govern a landfill's closure and post-closure plans, and those plans must be reviewed and updated each year, to confirm that there are sufficient monies available in the closure bond to adequately assure that the landfill could be closed properly and the ongoing maintenance and monitoring that the regulations require would be able to continue. Section 3.2.2.6 of the EIR describes the plans for closure of the landfill, and post-closure land use is described in 3.2.2.7. As stated therein, the site would be used for open space and habitat purposes post-closure. There is no process by which the closure and post-closure plans are first submitted to local agencies; instead, the legislature decided to have those plans annually reviewed by the agencies with expertise in monitoring landfills. Because the post-closure use of the Project site would be as habitat and open space, there are no long-term impacts to the City of Santee or to Padre Dam anticipated as a result of those closure efforts.

Title 27 and Subtitle D both require that every landfill must present evidence annually that sufficient money is set aside to ensure that the landfill monitoring systems would remain in place for at least 30 years. If after 30 years the California Integrated Waste Management Board (CIWMB) concludes that there is still a risk that the landfill could pose a risk to the environment, it can request an extension of the 30-year time period until such time as it is assured that the landfill no longer poses a risk to the environment.

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Comment  
Letter L3  
(cont'd.)

Padre Dam is concerned about the treatment of a SignOn San Diego article about reported infractions and the real possibility of such violations actually multiplying with the increase in capacity and traffic allowances. Having a collaborative committee with the City of Santee, Padre Dam included in its membership could alleviate this concern.

L3-4

- The models of the landfill site at completion show a significant impact to the view from Santee Lakes (which is owned and operated by Padre Dam). Figures shown in Chapter 4 show the existing views of the landfill. Does the Master Plan have provisions that berms or privacy fencing along the eastern boundary of the landfill so that the heavy equipment used to move the earth and garbage around the increasing elevation of the landfill is not visible from the east? The work being done at the landfill should not become an eyesore for the local area visitors and residents who come to the Santee Lakes from all over the region and from across the country, as well as to those driving through on the local roads. Page 4.2-47 says: "At the proposed maximum MSW daily acceptance limit 13000 tpd the area of temporarily-visible MSW in the proposed noise/visual berm would not exceed an area 168 feet wide by 20 feet high or approximately 0.2 acre. This is the approximate elevational dimension of twenty-foot-high berm comprising 13000 tons of MSW one day's maximum intake. This area would be covered every day in accordance with state solid waste regulations with cover soil or alternative daily cover." However, this measure seems to apply to the western edge of the landfill. Padre Dam would request that there be specific mitigation measures to shield the actual work site from the view of Santee Lakes during the operation and creation of the landfill mountain. Santee Lakes receives over 600,000 visitors per year. A view of tractors moving garbage and dirt for the next 25 to 30 years would negatively impact the attendance at the park and the RV campground revenues.

L3-5

L3-6

- Page 8 of the Executive Summary says "Odor reductions would be achieved through implementation of a variety of mitigation measures including outreach aimed at eliminating public storage and transport of green material in plastic bags, minimizing storage of green materials, increasing aeration, monitoring and responding to odor complaints, and updating the Odor Management Plan as necessary." Santee Lakes experiences days of significant, unpleasant odors every year especially during the spring and summer months due to activities at the landfill. Santee Lakes is initiating a register at the General Store for visitors to record dates, times and opinions of the odor problems from the landfill and will forward these records periodically to the landfill and to the regulators.

L3-7

- Mitigation Measure 4.7.3c should include Padre Dam for receipt of the annual letter by SLI as to adequate turning of green material and odor complaint record documentation. In lieu of this, should the committee requested in the first bullet item be adopted, this documentation would be part of the documentation provided for review by the committee or commission.

L3-8

- The final comment regarding the closure and use of the landfill after its completion is that a road be left in place to the summit for hikers to enjoy scenic views without having to disturb the rest of the open space habitat. Also an area should be designated for possible use by wireless communication or other compatible, minimal impact, commercial use that this road could also accommodate. The revenues from the lease of this area could also be designated to the City of Santee toward mitigation for the negative impacts (i.e. odor and visual) it will face during the years of this expansion should the project move forward.

L3-9

RESPONSES TO COMMENT LETTER RECEIVED FROM PADRE DAM MUNICIPAL WATER DISTRICT, SIGNED BY DOUGLAS S. WILSON, DATED APRIL 3, 2008 (LETTER L3) (continued)

Response to Comment L3-4:

Several commenters have noted violations the landfill has experienced in the past. This response is intended to address those violations in one, comprehensive response to all those comments.

SLI routinely monitors the landfill and its potential effect on the surrounding environment as required by the regulations and its internal company policies. The regulatory thresholds for monitoring systems are generally set to trigger alerts at lower levels as an early warning before human health, the environment or property can be seriously affected. The results of those monitoring efforts are provided to the relevant agency. SLI is routinely inspected by the LEA, the Regional Water Quality Control Board (RWQCB), the Air Pollution Control District (APCD) and other regulatory agencies. The instances of noncompliance referred to by the commenters were identified by routine monitoring by the landfill and reported to the agencies as a part of its required monitoring for perimeter landfill gas monitoring and waste tonnage receipt. Both the CIWMB and LEA, the regulatory agencies with oversight over landfill disposal at the state level, have successive steps for enforcement of their regulations and minimum standards.

Each landfill facility is required to monitor and report on conditions specific to its location and submit the results to the LEA. The LEA then inspects the landfill on a periodic basis to assure compliance with state minimum standards. If a facility is found to be in noncompliance with state standards, a series of four successive enforcement steps are taken by the agencies to assure that the facility returns to compliance. If a facility fails to comply, in extreme cases the facility may have its permit revoked and the facility closed after it is found to be in non-compliance with state minimum standards. Although, as indicated by some commenters, the facility has had a number of violations over the years, generally in the categories of landfill gas or daily tonnage exceedances.

The fact that the referenced violations were identified is evidence that the environmental monitoring systems for the existing facility functioned as they should. The exceedances identified by the self-monitoring by the applicant were reported to the appropriate agencies and proper corrective action has been taken and continues to occur. The Project proposes a much more sophisticated and extensive mitigation monitoring system than is currently in place at the landfill, in addition to those monitoring systems already required by the state regulatory agencies that permit the landfill, to further assure compliance by the Project.

Landfill Gas: The applicant conducts quarterly monitoring of the perimeter gas probes at the property boundary according to its approved Site Specific Gas Monitoring Plan. Levels of methane gas were

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RESPONSES TO COMMENT LETTER RECEIVED FROM PADRE DAM MUNICIPAL WATER DISTRICT,  
SIGNED BY DOUGLAS S. WILSON, DATED APRIL 3, 2008 (LETTER L3) (continued)

Response to Comment L3-4: (cont'd.)

detected in a probe during these routine events and were reported to the LEA and the SDAPCD. As a result, the facility has taken steps to correct the exceedances, including increasing vacuum to nearby landfill gas extraction wells, and has now entered into corrective action. The gas that has been detected is in an area where no homes or other structures are endangered. There are no signs of stressed vegetation or other evidence that gas is migrating any distance beyond the perimeter probe.

Daily Tonnage: SLI accepts solid waste according to its permit conditions. Regarding daily tonnage limits, the applicant identified early on that the regional demands for waste disposal were reaching the permitted capacities of SLI and surrounding landfill facilities to meet those disposal needs. As a result, in 2002, SLI submitted the application for the Project currently under review in this EIR to provide for daily disposal capacity to manage the City of San Diego region's municipal solid waste. However, the application process has taken much longer than anticipated to complete. At the time of the majority of the exceedances of daily and monthly tonnages limits, the facility was limited to accepting 3,300 tons per day of solid waste. Due to limits on waste receipt at the other approved landfills in San Diego County, including the City of San Diego's Miramar Landfill as well as the Otay Landfill, on occasion, the total waste generated in the south county area exceeded the approved capacity of the landfills on a daily basis. As a result, the daily tonnage capacities were reached before an increased daily tonnage limit could be approved.

Therefore in late 2006, the permittee sought a permit revision to allow the facility to receive additional tonnage to meet the local and regional demand. This revision was approved by the LEA and concurred in by the CIWMB. As stated by the LEA in the CIWMB Permit and Enforcement Committee meeting prior to approval of the tonnage increase from 3,300 tpd to 3,965 tpd by the CIWMB in September 2006, of the violations for the tonnage over the previous four and one half years, 57 were exceedances of 2% or less, even though the applicant knew that they would receive violations from the LEA for any amount of overage. The LEA testified that this was evidence of intent on the part of the facility to maintain compliance. As quoted in the March 30, 2008 San Diego Union Tribune, CIWMB member Cheryl Peace of San Diego said in an interview that "There are only three big landfills in San Diego County, and all of them are bumping up against their daily tonnage limits, so it's a difficult situation..." "You can't very well say (trucks) can't come in, because the trash has to go somewhere." SLI opted to allow the extra loads to come in to the facility to avoid the potential for illegal dumping on nearby streets and parkland. The facility daily tonnage limit has now been increased to 3965 tons per day. As stated in section 3.1.1 of the EIR, one of the main objectives for the proposed Sycamore Landfill Master Plan is to "Increase the allowable daily tonnage and associated traffic into the landfill to assist in meeting current and future increased waste disposal needs for both the

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**RESPONSES TO COMMENT LETTER RECEIVED FROM PADRE DAM MUNICIPAL WATER DISTRICT,  
SIGNED BY DOUGLAS S. WILSON, DATED APRIL 3, 2008 (LETTER L3) (continued)**

**Response to Comment L3-4: (cont'd.)**

city and other jurisdictions in the region." This would be accomplished by raising the initial daily tonnage limit to 6,800 tons per day and increasing it in approximate five-year increments. SLI thus plans to be able to meet the disposal needs of the San Diego County area.

It is also important to note that at no time did any acceptance of more than the daily tonnage limit result in any exceedance of the Sycamore Landfill's trip limits for traffic. Moreover, approval of the Project to increase daily tonnage limits would help eliminate any future need to accept more than permitted limits by providing limits that better match the disposal capacity needs.

Information concerning specific violations is available from the regulating agency - the City of San Diego Solid Waste Local Enforcement Agency, 1010 Second Avenue, Suite 600, MS 606L, San Diego, CA 92101- 4998, General Phone (619) 533-3688, Fax (619) 533-3689; the San Diego County Air Pollution Control District, 10124 Old Grove Road, San Diego, California 92131, Office Hours 8:00 AM to 5:00 PM, Monday through Friday; and the San Diego Regional Water Quality Control Board, 9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340, Telephone (658) 467-2952.

Regarding the comments suggestion for membership in a committee, see Response to Comment L3-1.

**Response to Comment L3-5:**

Cross-sections of the proposed berms to be erected between landfill working areas and Multi-Habitat Planning Area (MHPA) or residential areas are shown in Figure 4.3-4a in EIR Section 4.3.2.4 A. As requested by the City of Santee, the berm on the eastern side of the landfill, facing Santee, would be, and has been, constructed solely of soil. This is shown in the upper diagram of Figure 4.3-4a. As a result of that berm, the landfill activities would be shielded from Santee view, and equipment noise would be reduced at the landfill boundary. As the Project progresses, new berms would be constructed to ensure that the view of the active working face continues to be shielded from view from Santee, including from the Santee Lakes area.

**Response to Comment L3-6:**

See Response to Comment L3-5, as well as L4-7, N9-8 and N16-3. Visual impacts to views from the Santee Lakes would be reduced as a result of the existing and planned future soil berm.

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RESPONSES TO COMMENT LETTER RECEIVED FROM PADRE DAM MUNICIPAL WATER DISTRICT,  
SIGNED BY DOUGLAS S. WILSON, DATED APRIL 3, 2008 (LETTER L3) (continued)

**Response to Comment L3-7:**

The EIR concludes that odors would continue to be detected beyond the landfill boundaries, despite substantial reductions in odor complaints received by APCD. The City of San Diego welcomes the Padre Dam Municipal Water District's (PDMWD) efforts to record and report odor conditions visitors identify as coming from the landfill.

**Response to Comment L3-8:**

No annual letter documenting green material turning and odor complaint information is proposed in MM 4.7.3c, or elsewhere in the odor discussion. Mitigation Measure 4.7.3h indicates "SLI personnel shall maintain an odor complaint log and shall notify the City of Santee within 24 hours of receiving such complaints. In addition, SLI shall provide the City of Santee with a written report on a quarterly basis, which summarizes any significant activity which may produce odors or odor complaints." The reports in this mitigation measure would seem to accomplish the purposes of the annual letter requested in the comment. The City of San Diego has revised MM 4.7.3h to add PDMWD to recipients of those reports.

**Response to Comment L3-9:**

It is intended that the main landfill perimeter road and the landfill haul road would be retained at the closed landfill, primarily to provide access to workers to maintain the landfill after closure, as required for 30 years or more by state regulations. To the extent that recreational users along those roads can be protected from safety hazards such as the passage of trucks or construction vehicles, the Applicant has indicated a willingness to consider such joint use, if it does not conflict with state regulations regarding landfill closure. It may also be possible to use part of the site for use for wireless communication facilities, as suggested by the comment, but necessary permits and the environmental impacts of such use would need to be documented before any such facilities were approved. The Applicant has not requested a permit for such a facility. Since such as facility is speculative, discussion of any possible revenues from the facility are also speculative and therefore are not included in this EIR.

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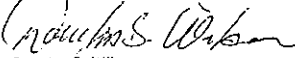
Comment  
Letter L3  
(cont'd.)

Padre Dam has and will continue to support a beneficial working relationship with the Sycamore Landfill operation.

Thank you for your time and the opportunity to respond to the Draft EIR with the concerns and issues important to Padre Dam on behalf of its customers, staff and on behalf of the visitors to the Santee Lakes Recreation Preserve.

If you have any questions or need additional information, please feel free to contact our Right of Way and Environmental Resource Agent, Mary Lindquist at (619) 258-4651.

Padre Dam Municipal Water District



Douglas S. Wilson  
General Manager

cc: City of Santee

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CITY OF SANTEE



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April 4, 2008

E. Shearer-Nguyen  
Environmental Planner  
City of San Diego  
Development Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101

VIA PERSONAL SERVICE AND ELECTRONIC DELIVERY

**SUBJECT: SYCAMORE LANDFILL MASTER PLAN DRAFT ENVIRONMENTAL  
IMPACT REPORT (PROJECT NUMBER 5617/SCH NO. 2003041057)**

Dear Ms. Shearer-Nguyen:

The City of Santee submits this comment letter regarding the Draft Environmental Impact Report ("Draft EIR") prepared by the City of San Diego for the Sycamore Landfill Master Plan ("Project" or "Master Plan"). The comments raised in this letter are made in accordance with Policy 9.2 of Santee's General Plan Land Use Element, which states that Santee should oppose any expansion or operational changes at the Landfill that will result in increased land use compatibility impacts to Santee, unless they can be adequately mitigated. The Draft EIR fails to adequately mitigate the Project's impacts on the host jurisdiction – Santee – and must be significantly revised and re-circulated to address Santee's concerns.

**Summary of Project**

The Project proposes to increase the total Sycamore Landfill ("Landfill") capacity from 71 to 157 million cubic yards (mcy) of municipal solid waste (MSW) and to increase the average daily municipal waste tonnage from the current 3,965 tons per day (tpd) to a maximum of 13,000 tpd as of 2025, with the increases proposed in a series of steps. The Project also involves the expansion of ancillary facilities and operations, and thus the actual total waste stream will significantly exceed 13,000 tpd. To accommodate the proposed Landfill expansion, the Project seeks an East Elliot Community Plan Amendment, Amendment of San Diego's Progress Guide and General Plan, Rezoning of the Project Site to Industrial, Amendment to Planned Development Permit/Site Development Permit, Approval of a Consolidated Parcel Map, Public Right of Way and Easement Vacations, Grant Deed, and Roadway Encroachment Permit.

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Comment  
Letter L4  
(cont'd.)

Sycamore Landfill  
Project NO. 5617  
SCH NO. 2003041057  
City of San Diego  
April 4, 2008

The Project site is located within San Diego's East Elliot Community Planning Area. The site is generally bound by MCAS Miramar to the north, the eastern ridge line of Little Sycamore Canyon to the east, SR-52 to the south, and the western ridge line of Little Sycamore Canyon to the west. Though the jurisdictional boundary of Santee is located only 100 feet from the entrance of the Landfill, the Draft EIR repeatedly downplays the Project's proximity to Santee and the fact that most, if not all, of the Project's environmental impacts affect Santee and its residents. Indeed, ongoing operations at the existing Landfill already affect the environment and local residents of Santee in significant ways. As such, Santee is committed to ensuring that the Project does not further degrade its environmental quality and negatively impact surrounding land uses, such as the West Hills High School and Fanita Ranch, as well as traffic and circulation within the Santee. The Draft EIR must be revised to reflect the reality that Santee and its residents will bear the burden of the Project, even though San Diego is the entity issuing the permits.

L4-1

**CEQA FRAMEWORK**

CEQA, Public Resources Code section 21000 et seq., is intended to "[i]nform governmental decision makers and the public about the potential, significant environmental effects of proposed activities." (Guidelines for the Implementation of the California Environmental Quality Act ("Guidelines"), Cal. Code Regs., tit. 14, § 15002, subd. (a)(1).) An EIR achieves this objective by "identifying possible ways to minimize the significant effects, and describing reasonable alternatives to the project" for consideration by the public and the lead agency approving the project. (Guidelines, § 15121, subd. (a).)

L4-2

Santee is particularly concerned with the Project's impacts on landform alteration/visual quality, traffic/circulation, air quality, odor, noise, water quality and greenhouse gas emissions. The Draft EIR's analysis of these issues is inadequate and often based on flawed technical studies and data. The Draft EIR has either improperly determined that these impacts would remain significant and cannot be fully mitigated or has failed to impose feasible mitigation measures to reduce these impacts.

L4-3

In the existing 1999 Franchise Agreement between San Diego and SLI, San Diego agrees to "use its best efforts to expedite the processing, review and consideration of application" for the necessary permits to expand the Landfill. Despite this contractual statement, San Diego must still ensure that the Project satisfies the requirements of CEQA and meets the objectives of the San Diego County Integrated Waste Management Plan (CIWMP), not just San Diego's own jurisdictional needs, responsibilities, and financial incentives. The Draft EIR fails to adequately assess the regional need for the Project under the CIWMP as well as alternatives to the Project, such as other proposed landfills like Gregory Canyon or the effect of expanding existing landfills while reducing the Project's disproportionate environmental impacts on Santee.

L4-4

**RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4)**

**Response to Comment L4-1:**

The FEIR in its Project Setting describes the site's location, including the distance to West Hills High School. It includes a Regional Location Map in Figure 1-1 showing the location relative to the City of Santee, as well as a more detailed Project Vicinity Map in Figure 1-2 that shows the City of Santee's boundary as well as the location of West Hills High School and West Hills Park. In fact, in Comment L4-21, the City of Santee references a few of the multiple references to the landfill's location in relationship to the City of Santee. Moreover, in Section 4.1, the FEIR describes the City of Santee General Plan Land Use Element, and analyzes the Project's consistency with Santee's General Plan Land Use Element in that section. In Section 5 of the FEIR, the document addresses the City of Santee General Plan as well as the Fanita Ranch development and other Santee development as part of the cumulative impacts analysis. The traffic study area included the relevant Santee streets and intersections. In addition, Santee city staff participated in the selection of additional viewpoints to be analyzed, and those visual simulations were added to the EIR.

The City understands that SLI delayed its Project (to negotiate with the City of Santee officials) for almost a year, in an effort to address the City of Santee's concerns over the landfill, ultimately changing the Project from that originally proposed (as set forth in Alternative 8.8) to that described as the "Project" in the FEIR. As a result, the applicant submitted a revised permit application, lowering the proposed landfill from 1,146 feet Above Mean Sea Level (AMSL) to 1,050 feet AMSL, at a loss of 26 million cubic yards of disposal capacity, as described in the discussion of the 1145' AMSL alternative in Section 8.8 of the EIR. SLI agreed to place berms in locations that would block the view of the working face from the residents of Santee, and conducted special noise monitoring at neighborhoods in Santee to ensure that any noise impacts were specifically addressed, at Santee's request. The FEIR adequately analyzes the impacts of the Project to all locations that are potentially significantly impacted, whether those locations are in Santee, San Diego, or anywhere else.

**Response to Comment L4-2:**

Comment noted. Comment quotes from State CEQA Guidelines, all of which were followed in preparation of the FEIR, which informs the decision makers and the public as to the potential significant effects of the Project and identifies possible ways of reducing those impacts and feasible alternatives.

Comment  
Letter L4  
(cont'd.)

Integrated solid waste management planning is the responsibility of all jurisdictions and the County.

The Project's significant, unmitigable traffic, odor and air quality impacts could be avoided or substantially mitigated by reducing the maximum tonnage of waste processed on a daily basis in the Project Description, which the Draft EIR should address either as a mitigation measure or in the alternatives analysis. This reduction in daily tonnage limits would not decrease the ultimate capacity of the Landfill and would have the additional benefit of increasing the lifespan of the Landfill. This longer lifespan would enable residents and businesses in surrounding communities to dispose of their MSW locally, reducing environmental impacts related to longer hauls of MSW.

**OVERVIEW OF SANTEE'S COMMENT LETTER AND PROJECT'S IMPACTS ON SANTEE**

This comment letter sets forth the many technical and legal deficiencies that Santee has found in the Draft EIR. Santee's major concerns are first summarized in this section and then set forth in the rest of the letter. For ease of reference, Santee's comment letter is separated into sections that correspond to the various chapters in the Draft EIR.

Santee is concerned with the following Project impacts:

**Visual Impacts.** The Landfill's increase from 883' AMSL to 1,050' AMSL will cause the Landfill to be one of the tallest mountains in the western viewshed of Santee. The Project will significantly impact visual quality in Santee. To address these impacts, SLI has agreed to construct an earthen berm so that at all times no trash is visible to Santee residents. However, the Draft EIR does not accurately include this earthen berm either as part of the Project or as a mitigation measure. The discussion of the berm is confused with the noise berm intended to mitigate biological impacts. In addition, the Draft EIR states that the noise and view-blocking barrier berms would be constructed of solid waste and/or soil. This contradicts SLI's assurances to Santee that any berms visible within Santee would be constructed fully of soil and that at no time would movement of waste be visible to residences and businesses in the City. This commitment from SLI should be incorporated into the Project as a feasible mitigation measure that would reduce the Project's significant visual impacts, or as part of the Project. The berm is of vital importance to Santee, and the Draft EIR must ensure that the berm will be constructed.

**Traffic/Circulation.** The Draft EIR's traffic analysis underestimates the significant traffic impacts that the Project would have on Santee roadways, which the proposed mitigation measures fail to adequately mitigate. The traffic analysis underestimates trip generation from the Landfill by as much as 32%. The traffic study incorrectly assumes that near-term, interim, and long-term tonnage includes all waste entering the Landfill. But the Draft EIR reveals that the tonnages assumed in the traffic study represent only

**RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)**

**Response to Comment L4-3:**

The comment gives the commenter's opinion regarding the EIR's analysis in general terms. The commenter's specific concerns are addressed specifically in the appropriate Response to Comment below. As those responses demonstrate, the EIR's analysis is adequate under CEQA, and the City has imposed all feasible mitigation measures available to reduce the Project's significant impacts.

**Response to Comment L4-4:**

The City of San Diego is processing the application for the proposed Sycamore Landfill Master Plan and preparing this EIR in accordance with the requirements of CEQA. The Project proposed is consistent with the 2005 County Integrated Waste Management Plan – Countywide Siting Element (Siting Element).

The Siting Element was prepared as required by state regulation and approved by the Board of Supervisors of San Diego County January 5, 2005, approved by a majority of the cities with the majority of the population and by the CIWMB on September 21, 2005. The Siting Element lays out the strategy for disposal capacity for San Diego County for the next 15 years. The Sycamore Landfill Master Plan EIR includes data from the Siting Element. In addition, the expansion of the Sycamore Landfill according to the Master Plan is specifically anticipated in the 2005 Siting Element based on information available at that time - See Siting Element Table 3.4 foot note (2) on page SE 13, and the Sycamore Canyon Landfill Fact Sheet on pages SE 20 and 21.

The Siting Element provides a list of operating landfills in the County and their remaining capacity, identifies the new capacity that would be brought on by likely new landfills and expansions, identifies anticipated disposal needs, compares existing and likely new capacity with identified disposal needs, and discusses other disposal options such as out of county transport. The Siting Element does not provide disposal information by jurisdiction; such information is available in Table 4.2, Quantity of Solid Waste Disposed, of the companion 2005 *Countywide Integrated Waste Management Plan, Countywide Summary Plan*. That document shows that approximately 50 percent of the waste disposal in the County as of the year 2001 was from the City of San Diego.

The Siting Element focuses on two important waste disposal capacity topics, physical landfill capacity and landfill rate of acceptance. The "physical landfill capacity" is defined as the remaining volumetric capacity of existing landfills. Physical capacity represents the volume available to be filled, and is different from the rate at which materials may enter. The rate at which materials may enter the landfills, "Landfill Rate of Acceptance," is restricted by annual and/or daily traffic and tonnage limits at disposal and transfer facilities, even though there may be sufficient physical capacity. The permitted daily and annual disposal tonnages

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RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

**Response to Comment L4-4: (cont'd.)**

are specified in the Solid Waste Facility Permit (SWFP) for the facility, and sometimes in other permits. These limits are a matter of traffic control and health and welfare protection, and are changed through the permit review process.

Siting Element Physical Capacity

In 2005 there were seven active landfills in San Diego County, four operated by Allied Waste, one operated by the City of San Diego, and two operated by the US Marine Corps. Permitted physical capacity in 2005 was estimated to be 52 Million Tons (Siting Element Table 3.3). Without any new physical capacity, the Siting Element demonstrated remaining capacity through the year 2016. With the addition of the proposed Sycamore Expansion volumes in the year 2005, the Siting Element demonstrates remaining physical capacity beyond the planning horizon, 2020.

As described in the Countywide Siting Element (2005), Gregory Canyon Landfill is a proposed landfill that was approved by County voters in 1994. However, as of this time, no schedule for its opening has been provided by its proponents. According to the Siting Element (Figure 3.1), if opened, Gregory Canyon would provide an increase in permitted disposal tons within San Diego County of approximately 500,000 tons per year, about 10% of the total County capacity. The Siting Element demonstrates that if Gregory Canyon Landfill were to come online in 2006, but without any expansion of Sycamore, there would be physical capacity through the planning horizon, 2020; however, there would be only enough for about one more year of disposal. With the Sycamore Master Plan and Gregory, the Siting Element demonstrates remaining physical capacity through the planning horizon 2020.

The Siting Element does not identify any other San Diego County landfill as coming online through the year 2020.

Siting Element Rate of Acceptance

The Siting Element demonstrated adequate rate of acceptance capacity at the existing landfills under the SWFPs in place in 2005 through the year 2007 (See Siting Element Table 3.4). This forecast did in fact prove to be accurate as local landfills bumped up against their daily caps (please see Response To Comment L3-4 for more information). The Siting Element anticipated approval of the proposed Sycamore Landfill Master Plan in 2005 with stepped increased daily acceptance caps. With these increases, the Siting Element demonstrated adequate rate of acceptance capacity through the year 2016. The Siting Element demonstrated that with Gregory Canyon Landfill coming online in 2006 and without any increased daily capacity at Sycamore, County daily acceptance rates would only be adequate through the year 2010.

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RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

Response to Comment L4-4: (cont'd.)

The Siting Element shows that with the proposed Sycamore Master Plan and Gregory Canyon Landfill, there is adequate rate of acceptance capacity through the planning horizon, 2020; but it appears that daily capacity shortfalls would begin in 2021.

Updated Information

The 2005 Siting Element does not reflect recent changes in the solid waste system in San Diego County and some of the assumptions used in preparing the Siting Element were incorrect. Important changes include the increased capacity at Sycamore Landfill administratively recognized by the Integrated Waste Management Board (SWFP 37-AA-0023 Revision 9/15/06) and the proposed increased physical capacity at Miramar Landfill. Sycamore was also granted an increase in daily tonnage from 3300 tpd to 3965 tpd (SWFP 37-AA-0023 Revision 9/15/06). The incorrect assumptions included the opening date for Gregory Canyon and the approval date for the proposed Sycamore Landfill Master Plan. The applicant provided two tables, attached, that update the information from the Siting Element, and the following information is from those tables.

Updated Physical Capacity

The updated information provided by the Applicant assumes approval of the Project in 2009, opening of Gregory Canyon in 2009, and approval of the proposed expansion of Miramar Landfill in 2009. These assumptions may be optimistic. Without Gregory or the Project capacity, the updated information demonstrates remaining physical capacity through the year 2021. With the addition of the proposed Sycamore Expansion volumes in the year 2009, the updated information demonstrates remaining physical capacity beyond the year 2025.

The updated information demonstrates that with Gregory Canyon coming online in 2009, but without any expansion of Sycamore, there is physical capacity through the year 2025; however, only enough for about one more year of disposal. With both Sycamore and Gregory, the updated information demonstrates remaining physical capacity beyond the year 2025.

As stated previously, the Siting Element does not identify any other San Diego County landfill as coming online through the year 2020. The City is unaware of any new information that would warrant a change to that assumption.

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RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

Response to Comment L4-4: (cont'd.)

Updated Rate of Acceptance

The updated information demonstrates adequate rate of acceptance capacity at the existing landfills under the SWFPs in place through the year 2008. With approval of the proposed Sycamore Landfill Master Plan the updated information demonstrates adequate rate of acceptance capacity through the year 2019. The updated information demonstrates that with Gregory opening but without any increased daily capacity at Sycamore, County daily acceptance rates would only be adequate through the year 2012. The updated information shows that with the proposed Sycamore Master Plan and opening of Gregory Landfill, there is adequate rate of acceptance capacity only through the year 2018.

Both the Siting Element and the updated information demonstrate a clear need for the proposed Sycamore Landfill Master Plan and Gregory Canyon in order to meet daily acceptance needs within the County. For this reason, a new landfill at Gregory Canyon is not a feasible alternative to the Project.

This information demonstrates the need for the Project, particularly to provide daily acceptance capacity but also to contribute to long-term solution to waste disposal needs in the County. A summary of this information has been added to FEIR Sections 2.3.1.8 and 3.2.3.2 to clarify the need for the Project provided in the EIR.

This comment and others question the use of out of County landfill sites as alternatives to the proposed Sycamore Landfill Master Plan. Reliance on out of County landfill sites would only meet two of the 12 Project objectives. The GHG emissions per ton of waste associated with landfilling would be similar regardless of the disposal site chosen; however, the GHG emissions to transport the waste to an out of County disposal facility would be substantially greater than those required to transport the waste to Sycamore Landfill. For these reasons, out of County alternatives are not deemed feasible.

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RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT  
P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

Response to Comment L4-4: (cont'd.)

Updated CIWMP CSE Table 3.3

San Diego County Physical Landfill Capacity Projection

(Millions of Tons)

With Sycamore Capacity Correction from 40 to 70 mcy in 2007 and Miramar Increase from 56.5 mcy to 76.5 mcy, Sycamore Master Plan and Gregory LF starting in 2009

Year	In-County Landfill Rate of Disposal	Existing Physical Capacity	In-County Excess	Sycamore Canyon Expansion		Proposed Gregory Canyon		In-County Excess (Existing + Sycamore + Gregory)
				Proposed Expansion Capacity	In-County Excess (Existing + Sycamore)	Proposed Additional Capacity	In-County Excess (Existing + Gregory)	
1995	2.4							
1996	2.4							
1997	2.5							
1998	2.7							
1999	2.8							
2000	3.2							
2001	3.6							
2002	3.5	62.9	59.4					59.4
2003	3.6	59.4	55.8					55.8
2004	3.8	55.8	52					52.0
2005	3.8	71.8 <sup>1</sup>	68					68.0
2006	3.9	68	64.1					64.1
2007	4.1	64.1	60					60.0
2008	4.3	60	55.7					55.7
2009	4.4	68.5 <sup>2</sup>	64.1	61.9 <sup>3</sup>	126.0	33.4 <sup>3</sup>	97.5	159.4
2010	4.6	64.1	59.5		121.4		92.9	154.8
2011	4.7	59.5	54.8		116.7		88.2	150.1
2012	4.9	54.8	49.9		111.8		83.3	145.2
2013	5	49.9	44.9		106.8		78.3	140.2
2014	5.2	44.9	39.7		101.6		73.1	135.0
2015	5.3	39.7	34.4		96.3		67.8	129.7
2016	5.5	34.4	28.9		90.8		62.3	124.2
2017	5.6	28.9	23.3		85.2		56.7	118.6
2018	5.8	23.3	17.5		79.4		50.9	112.8
2019	5.9	17.5	11.6		73.5		45	106.9
2020	6.1	11.6	5.5		67.4		38.9	100.8
2021	6.3 <sup>4</sup>	5.5	-0.8		61.1		32.6	94.5

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RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT  
P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

Response to Comment L4-4: (cont'd)

Updated CIWMP CSE Table 3.3

San Diego County Physical Landfill Capacity Projection

(Millions of Tons)

With Sycamore Capacity Correction from 40 to 70 mcy in 2007 and Miramar Increase from 56.5 mcy to 76.5 mcy, Sycamore Master Plan and Gregory LF starting in 2009

Year	In-County Landfill Rate of Disposal	Existing Physical Capacity	In-County Excess	Sycamore Canyon Expansion		Proposed Gregory Canyon		In-County Excess (Existing + Sycamore + Gregory)
				Proposed Expansion Capacity	In-County Excess (Existing + Sycamore)	Proposed Additional Capacity	In-County Excess (Existing + Gregory)	
2022	6.5 <sup>4</sup>	-0.8	-7.3		54.6		26.1	88.0
2023	6.7 <sup>4</sup>	-7.3	-14.1		47.8		19.3	81.2
2024	7.0 <sup>4</sup>	-14.1	-21.0		40.9		12.4	74.3
2025	7.2 <sup>4</sup>	-21.0	-28.3		33.7		5.1	67.1

Footnotes

- 1 Correction in capacity of Sycamore Canyon LF from 20.6 mcy to 48.1 mcy as of 2/05 per SWFP revision 9/2006.  
This amounts to a 27.5 mcy increase or 19.8 million tons.
- 2 Assume Miramar expansion to 76.5 mcy in 2009 from 56.5 mcy previously approved shown in 2005 CSE. Therefore the net increase = 20.0 mcy or 12.8 million tons. This also assumes a conversion factor of 0.72 tons/cy for Sycamore and 0.64 tons/cy for West Miramar LF per CIWMP-SE (pp SE-17 & SE-20).
- 3 Assume Sycamore Master Plan and Gregory Canyon LF are permitted and begin operation effective 1/1/2009. Sycamore increase in capacity is 86 mcy or 61.9 million tons.
- 4 After 2020 an annual increase in disposal rate of 3.4 % was assumed based on bullet 2, on page SE-8 of the CIWMP-CSE.

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RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP,  
DATED APRIL 4, 2008 (LETTER L4) (continued)

Response to Comment L4-4: (cont'd.)

Updated CIWMP CSE Table 3.4  
San Diego County Landfill Rate of Acceptance

(Millions of Tons)

With Sycamore Capacity Correction from 40 to 70 mcy in 2007 and W. Miramar Increase from 56.5mcy to 76.5mcy,  
Sycamore Master Plan and Gregory LF starting in 2009

Year	In-County Landfill Rate of Disposal	Existing Annual Permitted Rate of Acceptance	In-County Excess	Proposed Increase in Rate of Acceptance	Sycamore Canyon Expansion	In-County Excess (Existing + Sycamore)	Proposed Rate of Acceptance	Proposed Gregory Canyon	In-County Excess (Existing + Sycamore + Gregory)
1995	2.4								
1996	2.4								
1997	2.5								
1998	2.7								
1999	2.8								
2000	3.2	4.2	1.0						
2001	3.6	4.2	0.6						
2002	3.5	4.2	0.7						
2003	3.6	4.2	0.6						
2004	3.8	4.2	0.4						
2005	3.8	4.2	0.4						
2006	3.9	4.3 <sup>1</sup>	0.4						
2007	4.1	4.3	0.2						
2008	4.3	4.3	0.0						
2009	4.4	4.3 <sup>2</sup>	-0.1	0.8 <sup>3</sup>	0.7	0.6 <sup>8</sup>	0.5	1.3	
2010	4.6	4.3	-0.3	1.6 <sup>4</sup>	1.2	0.6	0.3	1.8	
2011	4.7	4.3	-0.4	1.6	1.1	0.6	0.2	1.7	
2012	4.9	4.3	-0.6	1.6	0.9	0.6	0.0	1.5	
2013	5.0	4.3	-0.7	1.6	0.8	0.6	-0.1	1.4	
2014	5.2	4.3	-0.9	1.6	0.6	0.6	-0.3	1.2	
2015	5.3	4.3	-1.0	1.9 <sup>5</sup>	0.9	0.6	-0.4	1.5	
2016	5.5	4.3	-1.2	1.9	0.7	0.6	-0.6	1.3	
2017	5.6	4.3	-1.3	1.9	0.6	0.6	-0.7	1.2	
2018	5.8	4.3	-1.5	1.9	0.4	0.6	-0.9	1.0	
2019	5.9	2.9	-3.0	1.9	-1.1	0.6	-2.4	-0.5	

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RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP,  
DATED APRIL 4, 2008 (LETTER L4) (continued)

Response to Comment L4-4: (cont'd.)

Updated CIWMP CSE Table 3.4  
San Diego County Landfill Rate of Acceptance

(Millions of Tons)

With Sycamore Capacity Correction from 40 to 70 mcy in 2007 and W. Miramar Increase from 56.5 mcy to 76.5 mcy,  
Sycamore Master Plan and Gregory LF starting in 2009

Year	Sycamore Canyon Expansion		Proposed Gregory Canyon		In-County Excess		In-County Excess (Existing + Sycamore + Gregory)
	In-County Landfill Rate of Disposal	Existing Annual Permitted Rate of Acceptance	In-County Excess	Proposed Increase In Rate of Acceptance	In-County Excess (Existing + Sycamore)	Proposed Rate of Acceptance	
2020	6.1	2.9	-3.2	2.2 <sup>6</sup>	-1.0	0.6	-0.4
2021	6.3	2.9	-3.4	2.2	-1.2	0.6	-0.6
2022	6.5	2.9	-3.6	2.2	-1.4		-1.4
2023	6.7	2.9	-3.9	2.2	-1.6		-1.6
2024	7.0	2.9	-4.1	2.2	-1.8		-1.8
2025	7.2	2.9	-4.3	2.6 <sup>7</sup>	-1.7		-1.7

Footnotes

- 1 Add SLI 3300 to 3965 tpd from 2007 to 2008 = 665tpd x 52wks x 5.5days/wk = 190,190 = 0.19 Mmtpy
- 2 Add 1.4mcy for years 2009 through 2018 for Miramar Expansion - daily acceptance stay the same
- 3 Add SLI 3965 to 6800 in 2009 = (6800 - 3965) x 286 = 810,810 = 0.81 Mmtpy
- 4 Add SLI 6800 to 9400 in 2010 to 2014 = 2600 x 286 = 743,600 = 0.74Mmtpy
- 5 Add SLI 9400 to 10700 in 2015 to 2019 = 1300 x 286 = 371,800 = 0.37Mmtpy
- 6 Add SLI 10700 to 11800 in 2020 to 2024 = 1100 x 286 = 314,600 = 0.31Mmtpy
- 7 Add SLI 11800 to 13000 in 2025 to 2028 = 1200 x 286 = 343,200 = 0.34Mmtpy
- 8 Move Gregory Canyon LF start to 2009

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RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

Response to Comment L4-5:

The EIR describes significant and unmitigable traffic impacts on SR-52 and at the Mast Boulevard westbound (WB) on-ramp to SR-52 associated with traffic volumes in excess of 2,100 tickets/5,850 ADT. Odor impacts would be considered significant and unmitigable regardless of the tonnage delivered because there are no feasible measures that guarantee odors from greens material, composting operations, or an occasional odorous load of waste would not be detectable at sensitive receptor locations on occasion. The potential for such impacts is more likely related to operational problems and atmospheric conditions than to the amount of greens and waste delivered. Significant and unmitigable air quality impacts are related to emissions from diesel engines (PM<sub>2.5</sub>), and landfill gas emissions, both of which are related to the rate of receipt of waste.

The Project includes a stepped increase in vehicular trips and waste acceptance in an attempt to accommodate the anticipated increases in required daily rates of acceptance that are documented in the Siting Element. The decision makers can choose to approve the Project as proposed, or to approve the Project only up to a certain level of vehicular trips and/or associated waste acceptance. It is not necessary for the EIR to consider a reduction in proposed daily tonnage limits (or vehicular trips) as an alternative to the Project as requested by some commenters, since such a reduction is within the scope of the Project analyzed in the EIR.

As described in the Response To Comment L4-4, the waste disposal issue facing the region is not only a lack of physical long-term capacity, but more critically, a lack of daily acceptance capacity. The updated daily acceptance information shows the region running out of daily acceptance capacity in 2019 even with the Project and a new landfill at Gregory Canyon. Even with the Project's proposed daily tonnage increases to 10,700 tpd in 2020 and 11,800 tpd in 2020, the region still is not anticipated to have adequate daily acceptance capacity after 2018.

The need for additional daily acceptance capacity is reflected in the Project's objectives (EIR Section 3.1.1, page 3-1 to 3-2). Objective 2 of the Project is to increase the allowable daily tonnage and associated traffic into the landfill to assist in meeting current and future increased waste disposal needs from both the City and other jurisdictions in the region. Objective 9 is to extend the life of the county-wide landfill system (incorporated and unincorporated areas) and assist in fulfilling the City of San Diego's need for long term waste disposal in a facility that utilizes up-to-date environmental controls. Not approving the total daily waste volumes requested by the Project would exacerbate the anticipated shortfall in daily acceptance capacity, resulting in the need for either a new or expanded disposal facility in the County or out of County transport for that portion of the waste stream that requires disposal. Both of these potential options would

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**RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)**

**Response to Comment L4-5: (cont'd.)**

have adverse environmental impacts of their own, including likely traffic, air quality, biological and visual impacts. Moreover, the lack of adequate daily acceptance capacity could result in increased incidences of illegal dumping, with its own impacts.

**Response to Comment L4-6:**

The City of San Diego disagrees that there are technical or legal deficiencies in the EIR as demonstrated below in the responses to the City of Santee's specific comments.

**Response to Comment L4-7:**

The berm is designed to act both as a barrier to views of landfill activities and as a noise reduction measure. Please see the top cross-section shown in EIR Figure 4.3-4a, showing that the berm on the eastern side would be constructed completely of soil or rock, much like the view/noise barrier berm constructed in the last year on the existing landfill Stage I. Mitigation Measures 4.3.3a and 4.6.0 have been revised to clarify that the berms would mitigate both potential noise impacts and view impacts, by shielding Santee residents from views of landfill operations as well as attenuating sound levels. The mitigation measures also would ensure that the berms on the eastern side of the landfill would be built with soil and rock, as requested by the City of Santee.

**Response to Comment L4-8:**

All trips associated with the Project were included in the EIR traffic analysis. EIR Table 3.2-3 (page 3-32) shows all of the anticipated waste streams expected to be delivered to the Landfill with approval of the Project. EIR Table 3.2-4 (page 3-34) shows the vehicle trips that would be required to deliver the waste streams from Table 3.2-3 and also the number of vehicles required to haul aggregate off-site and to bring in base material. The last column of that table shows the vehicle trips that are included in the EIR analysis for other trips, such as employee and vendor trips. These are data that were used to prepare the Traffic Analysis reported in the EIR (Section 4.4), and, therefore, if anything, ensure that the traffic study overestimated the trips.

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Comment  
Letter L4  
(cont'd.)

the Project MSW, excluding consideration of traffic impacts from increased loads of base material, greens, construction and demolition (C&D) materials, Class B Biosolids, and other recyclables. This fatal error in the traffic study must be corrected and the entire traffic analysis must be revised and re-circulated.

L4-8  
(cont'd.)

Further, the Transportation Demand Management Plan proposed as a mitigation measure to reduce traffic impacts on SR-52 during peak hours would need to consider other traffic management tools in order to be effective and must be given "teeth" to require their implementation. Even with the implementation of these measures, physical traffic improvements would likely be necessary to reduce impacts to a less than significant level. Revising the permissible daily tonnage levels in the Project would be the most feasible, environmentally superior approach to mitigating traffic impacts. In the alternative, the Project's daily tonnage limits and permissible tickets should be phased in order to limit increases in Landfill operations until the phased freeway improvements to SR 52 are completed. Further, a permanent cap of 10,700 tpd, the maximum that can be handled with future planned improvements, should be imposed on the Landfill.

L4-9

**Average Daily Tonnage Limits.** The Project Description should be revised to reduce daily tonnage limits from those proposed in order to avoid or at least reduce anticipated significant, unmitigable traffic, odor and air quality impacts. Alternatively, the Project alternatives analysis should consider reducing the daily tonnage limits from those proposed in the Project and re-visiting the County's solid waste capacity needs once San Diego determines whether the Gregory Landfill project, as well as other proposed Landfills in the County that are referenced in the Draft EIR, will proceed. Or, at a minimum, the Project's daily tonnage limits and permissible tickets should be phased in order to limit increases in Landfill operations until the phased freeway improvements to SR 52 are completed. Further, a permanent cap of 10,700 tpd, the maximum that can be handled with future planned improvements, should be imposed on the Landfill.

L4-10

**Odors.** The Draft EIR concludes that green material or composting odors "may" be detectable at sensitive receptor locations and that the "potential" for such odors is considered a significant impact. Odors resulting from greens processing have been the primary cause of odor complaints from Santee residents living downwind from the Landfill. Although complaints have been reduced by the adopted Odor Management Plan, with increased greens processing and the potential addition of composting, the Draft EIR should incorporate an updated and expanded Odor Management Plan as a mitigation measure for this Project. The Draft EIR must also adequately evaluate the odor and air quality impacts from future composting operations, even at the programmatic level. The Draft EIR also concludes that odorous MSW received at the Landfill scales "may" result in odor impacts at sensitive receptor locations, which are not adequately mitigated. The Project Description further states that SLI is "considering" accepting dewatered sewage sludge (biosolids) at the Landfill. Biosolids have the

L4-11

RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

Response to Comment L4-9:

See Response to Comment L1-9 regarding the TDM Plan and Response to Comment L4-5 regarding the 10,700 tpd cap.

Response to Comment L4-10:

See Response to Comment L4-5.

Response to Comment L4-11:

The word "may" was used in the EIR because odor detection off-site is highly variable, and is an intermittent, rather than a constant problem. In the most recent year, documented in Figure 3 of EIR Appendix G, there were eight odor complaints received by APCD regarding landfill odors.

Odor complaints can be considered more likely under certain meteorological conditions. Stable atmospheric conditions with little wind minimize the dilution of odorous compounds and are more likely to lead to odor complaints, while windy conditions cause greater dilution of any odorous emissions and less perceived odor by nearby receptors. Despite this, the most direct correlation between facility operations and odor complaints has been the past practices associated with green waste processing, rather than meteorological conditions. Past odor complaints were also found to be more frequent in the late spring and early summer. The highest frequency of complaints occurred from April through June of 2001. These complaints have been more closely tied to facility operations, however, than to the season or weather conditions.

The present odor impact area has been documented by the complaint history at the site. Very few recent complaints have been received, which evidences that few objectionable odors are present beyond the facility boundary. The odor events that have occurred have been attributed to unusual events outside of normal operations. Such events are dealt with immediately per the Odor Management Plan, to minimize the impact of the objectionable odors at nearby receptors.

The Odor Management Plan, revised in 2003, has been effective in substantially reducing odor complaints. If increased intake of greens results in increased odor complaints, procedures in the Odor Management Plan would be revised, as stated in MM 4.7.3g. Section 17863.4 of the California Code of Regulations *Odor Impact Minimization Plan* requires the operator of a Compostable Materials Facility to annually review the Odor Impact Management Plan for adequacy and initiate updates if needed. If measures incorporated into the *Odor Impact Minimization Plan* are being followed and odor impacts still occur to the surrounding community the LEA may require the facility operator to take additional reasonable and feasible measures to

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RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

Response to Comment L4-11: (cont'd.)

minimize odors. Since SLI would be sharing odor complaint information with the City of Santee within 24 hours, and on a quarterly basis (MM 4.7.3h), there is a built-in incentive for SLI to identify the specific odor problems, and address them through appropriate procedures. The same thing is true regarding potential composting. Since the specific compost procedure has not been defined, it is impossible at this time to identify specific compost odor management procedures, beyond those described in MM 4.7.3f. Intake of odorous materials at the scales area is an on-going operational issue, and is completely dependent on the nature of the material being processed. However, the relocation of the scales area, and ongoing procedures to bury such odorous materials immediately, are expected, based on past experience, to prove effective. Sycamore Landfill is permitted to accept biosolids now. If there are any odor impacts associated with such acceptance, odor complaints would be reported to the City of Santee within 24 hours, and would report on such odors to the City of Santee in the quarterly report identified in MM 4.7.3h. Odors related to the transportation and disposal of biosolids at Sycamore Landfill would be addressed under the regulatory authority of the APCD.

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Comment  
Letter L4  
(cont'd.)

potential to result in significant odor impacts, which have not been adequately analyzed under the Draft EIR.

L4-11  
(cont'd.)

**Air Quality.** The Project's air quality analysis assumes that the type and nature of the waste accepted at the Landfill would not appreciably change over the life of the facility. This assumption and the analysis is flawed in that the Project would add biosolids and composting waste to the Landfill facility, resulting in a higher percentage of organic waste. Also, the air quality analysis used to form the conclusion in the Draft EIR underestimates the waste stream and cumulative waste of the Project and should be re-calculated.

L4-12

**Noise.** The Draft EIR's noise analysis is flawed because it fails to provide, in addition to the Community Noise Equivalent Level (CNEL) descriptor, the most fundamental information about the Project's noise impacts – i.e., the number of additional truck trips that will occur as a result of the Project, the frequency of those trips, and their effect on sleeping Santee residents. The probability of being repeatedly awakened by multiple single-event sounds can be calculated, given sufficient data. Thus, the Draft EIR should include a Single Event Noise Exposure Level (SENEL) descriptor in addition to the CNEL descriptor and incorporate mitigation measures to reduce significant noise impacts in addition to the proposed noise berm, if necessary.

L4-13

**Litter.** The Draft EIR fails to adequately consider the Project's off-site litter impacts. The increased daily tonnage limits will result in increased waste load haulers accessing the Landfill site who use major arterials and other streets in Santee. The Environmental Setting, Project Description, Visual Impacts, Hydrology, and Public Services Sections of the Draft EIR should discuss the incorporation of a litter control program into the Project in order to reduce off-site litter on Santee roads. Litter control has a direct relationship to water quality and these impacts must be fully discussed and mitigated where feasible. To mitigate the significant impact that off-site litter has on Santee roads, San Diego should impose a fixed impact fee system whereby fees are provided to Santee to manage off-site litter issues.

L4-14

**Global Warming Impacts.** According to San Diego's Draft General Plan Program EIR, solid waste accounts for 20% of the 1990 greenhouse gas (GHG) emission baseline. Nevertheless, the Draft EIR's global warming analysis does not even attempt to quantify the Project's GHG emissions, conduct a sufficient cumulative impact analysis, or propose sufficient mitigation measures in violation of CEQA.

L4-15

**EXECUTIVE SUMMARY**

**Access to Landfill Site**

On Page ES-2, the Draft EIR states that "[p]rimary access" to the Project site is through SR 52, the SR-52/Mast Boulevard interchange, and the landfill entrance at the

L4-16

RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

**Response to Comment L4-12:**

The Sycamore Landfill Proposed Master Plan would not be composting waste without first requiring further environmental analysis of such an operation. There is no indication that the acceptance of biosolids would substantially increase the organic fraction of the waste.

The Project's air quality analysis assumes that the type and nature of the waste that the landfill would accept would not appreciably change over the life of the facility. The air analysis for the Project used the LANDGEM model and emission factors from US EPA's AP-42, which includes waste streams which include biosolids and high levels of organics, and uses organics well above the maximum rate of acceptance.

**Response to Comment L4-13:**

The noise analysis prepared as part of the EIR takes into account additional truck trips, frequency of those trips, and the trips' effect on sensitive receptors. See, for example, Table 4.6-7b, which shows the number of tickets per hour under various scenarios. Multiple single-event sounds are calculated as part of the measurement of the Community Noise Equivalent Level (CNEL). See also page 4.6-27 of the EIR, in section 4.6.4.2a, which describes a worst-case evening and night-time truck scenario, and demonstrates that the Project would not create a significant noise impact.

**Response to Comment L4-14:**

Temporary litter fences are placed along the rim of the top deck and the access road to intercept blowing debris during windy periods. Portable litter fences are used by SLI near the active working face. As stated in section 3.2.2.5 of the EIR, operational practices under the Project would not very significantly from current practices.

SLI is required to control litter around the facility and on-site by CIWMB regulation 27 CCR Section 20830 as described in Section 2.3.1.7 H - Litter Control. These regulations state that the facility shall "prevent the accumulation, or off-site migration, of litter in quantities that create a nuisance or cause other problems." In addition, Section 5.3 (J) of the facility's Franchise Agreement with the City of San Diego (available at the City of San Diego City Clerk's office) requires it to take measures to maintain roads and streets within a one (1) mile radius surrounding the landfill free from litter from the operations of the landfill. Control and collection of litter around the facility leads to capture of these materials before they can accumulate in significant quantities that could negatively impact surface water, off-site streets or other portions of the environment. Most litter consists primarily of plastic bags and paper, which are not toxic to the environment. Regular collection and removal keeps, and would continue to keep, such litter from having a significant impact.

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**RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)**

**Response to Comment L4-14: (cont'd.)**

The landfill currently employs laborers to collect on-site and off-site litter, and hires additional temporary labor as necessary to collect litter on windy days. To discourage generation of off-site litter, the facility rejects any open loads that are not tarped, and provides a place at the active landfill disposal face for drivers to sweep out and clean their vehicles prior to leaving the site to minimize litter from recently emptied trucks. The landfill also minimizes the areas of exposed waste. These practices, and others described in EIR Section 2.3.1.7, would continue with the expanded facility. The facility has not received a violation for litter since the landfill was purchased by SLI in 1997; therefore, the EIR concludes there would be no significant impact to streets in Santee, or other off-site streets or surface waters, from litter.

No fixed impact fee system or off-site litter control program is therefore necessary because the Project does not have a significant impact due to litter.

**Response to Comment L4-15:**

Appendix F4 provides a detailed, quantitative evaluation of greenhouse gas (GHG) emissions from both the baseline and the Project, and it also discusses alternatives to landfilling. In addition, it discusses the use of the landfill gas as a renewable energy source.

**Response to Comment L4-16:**

The word "primary" here refers to use of SR-52 and the Mast Boulevard interchange as the main direction from which traffic travels to the Sycamore Landfill. The EIR shows the relationship between the landfill entrance and the City of Santee in several figures, including Figure 3-2 (EIR Section 3.2.1); Figure 4.1-2 (EIR Section 4.1.1.1 C); Figure 4.1-6 (EIR Section 4.1.2.2 A); and Figure 4.6-4 (EIR Section 4.6.3.2 A).

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intersection of Mast Boulevard and West Hills Parkway. Santee is not aware of any access to the Project site other than the Mast Boulevard entrance. Thus, the phrase "primary access" should be deleted from the Draft EIR. Although technically access is through San Diego, the reality is that the Project's impacts are on the residents of Santee. The Draft EIR should make this clearer.

**California Integrated Waste Management Plan**

On Page ES 1-2, the Draft EIR states that California laws and regulations require that each region maintain 15 years of solid waste disposal capacity. In San Diego, this requirement is satisfied through the California Integrated Waste Management Plan's ("CIWMP") Countywide Siting Element. The Draft EIR further states that with approval of both the Project and Gregory Canyon Landfill, San Diego County would have approximately 20 years of solid waste disposal capacity, but only if daily tonnage rates can be sufficiently increased to accommodate the rate of disposal. According to the CIWMP, if only the Project were approved, the in-County capacity would decrease to 16 years, and if neither were approved, some solid waste may need to be shipped out of the County as early as 2007. However, the Draft EIR qualifies this analysis, prepared in 2004, by stating that it "did not take into account additional Municipal Solid Waste (MSW) capacity at Sycamore Landfill identified as a result of recent capacity calculations for the 2006 SWFP, nor did it foresee the increase to a maximum of 3,965 tpd as part of that permit."

The Draft EIR should re-evaluate the region's waste disposal needs by including the most recent capacity calculations for the Landfill. On Page 3-1, one of the project objectives listed is to "increase the allowable daily tonnage and associated traffic into the landfill to assist in meeting current and future increased waste disposal needs of both the City and other jurisdictions in the region." If the need for the Project is based on the region's need for waste disposal, then it is imperative that the analysis of the region's needs be accurate. In addition, the 2006 capacity calculations call into question the previous capacity calculations in the CIWMP and elsewhere regarding the region's Landfill needs and capacity. To avoid overstating the need for the Project, the capacity numbers should be reconsidered as part of the Draft EIR.

Furthermore, the analysis should consider the proposed increase in height to extend the service life of the Miramar Landfill, the Gregory Landfill, and Campo Band of Kumeyaay Indians Landfill in assessing the need for the expansion of the Landfill. The Draft EIR needs to explain these proposals in detail and their likelihood of materializing. For example, on Page 49 of the Countywide Siting Element, the Gregory Landfill is listed as a "proposed site" selected by the participating jurisdictions and the County. The EIR for the Gregory Landfill has been reviewed and certified by the County of San Diego Local Enforcement Agency (LEA), but the future date of operations and construction is uncertain due to opposition from municipalities, agencies, and private parties. The Draft

L4-16  
(cont'd.)

L4-17

**RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)**

**Response to Comment L4-17:**

The Project is assumed in the County Integrated Waste Management Plan Countywide Siting Element. The reference in the EIR to the Countywide Siting Element is to show that the facility has been included in the County's waste disposal planning. FEIR Sections 2.3.1.8 and 3.2.3.2 have been revised to include updates to the 2005 Siting Element information, including status of other landfills. As noted therein, even with Miramar obtaining approval of an expansion and Gregory Canyon obtaining final approvals and beginning operations, there still is a need for the Sycamore Landfill Master Plan expansion. The Miramar expansion would only provide a few extra years of capacity, and it is unclear how much of the region's waste Gregory Canyon would handle since it has yet to obtain all of its permits, much less begin operations. The status of having a Campo landfill operational is even more uncertain.

As pointed out in the previous paragraph of the comment, even landfills that are "tentatively reserved" by the CIWMB are not considered "approved" or "permitted," and in fact, to quote from the comment letter itself, "all proposals for new landfills or expansions require extensive permits, which include, but are not limited to, local land use approval, environmental review, and state solid waste facility permitting procedures." Moreover, even if all of these as-yet unpermitted new landfills or landfill expansions are fully permitted and operational, there still would be a need for the Sycamore Landfill Master Plan expansion. The addition of the other landfills would also help in extending the life of Sycamore Landfill and thus provide more assurance of capacity for the region. Also, see the response to Comment L4-4.

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EIR states that "landfill opponents have filed lawsuits to stop or delay development of the facility" but it does not explain the proposed capacity of the Gregory Landfill and how that capacity might alleviate the need to expand the Landfill. As further discussed below, the alternatives analysis must consider these proposed landfills and expansion of existing landfills in assessing the need for the Project.

L4-17  
(cont'd.)

**The Landfill is Not "Already Approved/Permitted" for Landfill Use**

On Page ES-3, the Draft EIR states that "[t]he primary objective of the Project is to provide additional landfill disposal capacity at this existing, approved site". Likewise, on Page 3-1 in the Project Description, the Draft EIR states that one objective of the Project is to "[m]ake more effective use of a site already permitted for landfill use by reconfiguring the development plans to increase disposal capacity available for citizens and businesses of the City of San Diego, and the region". To the contrary, the Landfill expansion is not considered an "approved" or "already permitted" landfill site. The Project's "staged expansion of annual and daily permitted tonnage over time" is called a "tentatively reserved expansion" in the CIWMP, Countywide Siting Element (See Pages SE 21 and 47).<sup>1</sup> Tentatively reserved sites/expansions included in the Siting Element must be found to be consistent with the applicable General Plan by the next five-year Siting Element update, or they must be removed from the Siting Element. (Pub. Resources Code, §§ 41710-41712; Cal. Code Regs., tit. 14, § 18756.3.) The most recent amendment to the Countywide Siting Element occurred in 2005. As such, the Landfill expansion must be found consistent with the applicable General Plan by 2010, or it must be deleted.

L4-18

Furthermore, "[i]nclusion of proposed or tentatively reserved landfill sites in [the] Siting Element does not advocate or in any way guarantee approval of sites by any agency or jurisdiction. Nor does it advocate their use as a disposal option. All proposals for new landfills or expansions require extensive permits, which include, but are not limited to, local land use approval, environmental review, and state solid waste facility permitting procedures. Review and adoption of [the] Siting Element Amendment does not limit any jurisdiction's or interested party's right to conduct a more in-depth review of each proposal". Thus, San Diego should not be predisposed to approving the Project and must conduct an adequate review of its environmental impacts.

L4-19

**Segmentation of Amendment to Franchise Agreement from Projection Description**

On Page ES-3, the Project Description states that the Project proposes to increase daily tonnage limits (from 3,965 tpd at Project approval up to 13,000 tpd in 2025 and

L4-20

<sup>1</sup> But even this status is unclear in the Countywide Siting Element because the Landfill expansion is not listed in Chapter 7, which sets forth the "tentatively reserved sites". That section states that of the five sites investigated, only the East Otay Mesa site was described in a general County planning document.

RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

**Response to Comment L4-18:**

The EIR does not purport to conclude that the proposed Master Plan Expansion is already permitted; if it were, no EIR would be required. Rather, the EIR points out the fact that the area upon which the Project would operate is already the site of an existing landfill operation – the currently permitted Sycamore Landfill. The EIR discloses the extensive permits required for approval, and does not in any way imply that because the expansion is a "tentatively reserved expansion" in the Siting Element, no additional approval are required. A list of discretionary permits required for implementation of the Project is provided in Section 1.6 of the EIR.

**Response to Comment L4-19:**

Neither the Project application nor this EIR asserts that, because the expansion of Sycamore Landfill was described in the 2005 Countywide Siting Element, it somehow is "approved." The City of San Diego is conducting the required environmental review process for the expansion in compliance with CEQA and its regulations.

**Response to Comment L4-20:**

No "amendments" to the existing Franchise Agreement have been committed to by either the City of San Diego or San Diego Landfill Systems, the two parties to the agreement. Until such time as an amendment to the Franchise Agreement would take place, as described in the EIR, the landfill would be limited by the terms of the existing Franchise Agreement and the tonnage increases that it allows in its Appendix D. Should an amendment to the Franchise Agreement be approved, that amendment would be anticipated to follow the tonnage limits outlined in and analyzed by the EIR. The EIR is merely explaining that, although it is analyzing the maximum tonnage that it anticipates may be required to meet the region's disposal needs, the actual tonnage accepted at the landfill would nonetheless be limited to that allowed by the Franchise Agreement until such time, if ever, that the City and SLI agree to amendments that would allow the landfill to accept the tonnage limits described in the EIR. Until that time, the impacts would be less than analyzed in the EIR, because they would remain limited by the Franchise Agreement.

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thereafter until the earliest landfill closure estimated in 2028) "depending on limits established in the Franchise Agreement". The entire "Project" being proposed for approval must be described in the Draft EIR. A complete project description is necessary to ensure that all of the Project's environmental impacts are considered. (City of Santee v. County of San Diego (1989) 214 Cal.App.3d 1438, 1450.) Applied here, the Project Description must include any proposed amendments to the existing Franchise Agreement that SLI and San Diego have already committed to, including daily tonnage increases, in order for the Draft EIR to adequately consider the environmental impacts of those changes and incorporate adequate mitigation measures that are not illusory. Otherwise, the Project Description must clearly state that the Project does not encompass amendments to the Franchise Agreement. Any later amendments to the Franchise Agreement would be subject to separate environmental review.

**1.0. INTRODUCTION**

**Project's Distance from Santee**

The Draft EIR is internally inconsistent when referring to the Project's distance from Santee. For example, it states that Santee is "one mile" from the Landfill (Page 1-1); that West Hills High School (located in Santee) is located "0.75-mile" southeast of landfill boundary (Page 2-1); that Santee Lakes and Recreation Area is located "three-quarters of a mile to the east of the landfill boundary" (Page 2-3); that the developed portion of Santee's West Hills Park is located 500 feet east of the landfill entrance (Page 2-3); and that existing residential areas are located 0.7 mile from the Landfill to the east, 0.75 miles to the southeast, and one mile to the north (Page 2-3).

In actuality, the entrance to the Landfill is 100 feet from the jurisdictional boundary of Santee. The Draft EIR should use this figure consistently throughout the Draft EIR in order to adequately inform the public, agencies, and decision makers of the Project's proximity to Santee. The Draft EIR should not disregard the fact that Santee will bear the burden of the majority, if not all, of the Project's environmental impacts. There are no developed properties (residential, commercial, or industrial) in San Diego that are proximate to the Landfill. The closest developed property in the City of San Diego is approximately 5 miles away. The other portions of San Diego that are located near the Landfill are open space lands and one property designated for future residential development.

**Required Permits – No Discussion of SMARA's Application**

The Draft EIR fails to address whether the Project's aggregate processing facilities are subject to the requirements of the Surface Mining and Reclamation Act of 1975 ("SMARA") and associated regulations. The Draft EIR should disclose whether SLI

L4-20  
(cont'd.)

L4-21

L4-22

**RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)**

**Response to Comment L4-21:**

Varying distances between the landfill and portions of Santee are noted because both the landfill and the City of Santee have irregular boundaries. The first statement, that the landfill is "one mile from Santee" is true, based on the distance between the center of the main landfill area, and the nearest Santee corporate boundary. It is true that the Santee boundary comes to within 100 feet of the entrance road leading to the landfill. There has been no attempt to conceal this. Proximity to Santee is shown in EIR Figures 1-2, 3-2, and 4.1-6, among others.

**Response to Comment L4-22:**

Planned Development Permit (PDP)/Site Development Permit (SDP) 40-0765 established the aggregate processing operation at the proposed site; therefore, this issue is not relevant for the Project and this EIR. The previous PDP/SDP determined that the excavation and associated processing operation is a normal part of landfill development and operations that is subject to 40 CFR Part 258, Subtitle D and CCR Title 27. The area being excavated, including the location of the processing facility, would ultimately be lined in accordance with CCR Title 27 and covered with landfilled municipal solid waste and closed in accordance with state and federal law. The City of San Diego has determined that this activity falls under Subtitle D and CCR Title 27, not SMARA.

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must obtain a surface mining permit for its aggregate processing operations and the conditions of such a permit if applicable.

L4-22  
(cont'd.)

**Acreage Designated as "Landfill"**

The Draft EIR is also inconsistent when addressing the acreage that will be designated as "Landfill" as a result of the Project. On Page 1-13, the first paragraph states that the Project will require an amendment to the Elliot Community Plan and the Progress Guide and General Plan to redesignate approximately 26 acres from "Residential" to "Landfill". In contrast, the second paragraph states that "[o]f these 26 acres to be redesignated, approximately four are currently designated as "Office Commercial" and the remaining approximately 22 acres are currently designated as "Open Space". These inconsistencies need to be clarified.

L4-23

When addressing the Community Plan amendment, on Page 1-13 the Draft EIR states that the issue of removing the plan map and text stating "Potential Landfill" west of the existing landfill is not addressed in the Draft EIR because that text is not applicable to the Project. It concludes that "[a]ny 'Potential Landfill' as currently referenced in the plan map and text would have to do with some completely separate landfill that the City may or may not wish to pursue in the City and is not a party of this project nor reasonably related to this project and therefore is not addressed herein." If there are feasibility studies, plans, or any commitment by San Diego regarding this other "Potential Landfill" these should be released to the public and discussed in the Draft EIR in order to adequately assess whether the regional need for the immediate expansion of the Landfill as well as any cumulative air, odor, noise, visual, or traffic impacts that the proposed landfill in San Diego would have with the Landfill.

L4-24

**2.0. Environmental Setting**

**Third-Party Operated Cogeneration Facility**

On Page 2-8, the Draft EIR states that a third-party company operates a cogeneration facility under an agreement entered into by its predecessor and the previous owner of the Landfill (the County), which gives the third-party the right to collect and manage all gas generated by the Landfill. This section should also specify the term of that agreement in order to provide an adequate description of the environmental setting. In addition, as further discussed below, SLI should be required to continue these operations as a mitigation measure for air quality and global warming impacts, as opposed to just relying on an agreement with a third-party provider. This comment applies to all of the ancillary operations that are part of the Landfill that are operated by third-parties.

L4-25

**RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)**

**Response to Comment L4-23:**

The inconsistency has been clarified on EIR page 1-13 by adding "and "Office Commercial" " following the word "Residential."

**Response to Comment L4-24:**

Planning Commission was not directing staff to investigate a new landfill in East Elliott as implied by this comment; rather, it was directing staff to consider removing the "potential landfill" discussion from the East Elliott Plan.

Page 2 of the East Elliott Community Plan states: "This plan also recognizes the possibility that a portion of the area west of Sycamore Canyon (within the Oak and Spring Canyon watershed), which is designated in this plan for open space use, could be considered for use as a landfill in the future." The Land Use map also shows (Potential Landfill) in the designated Open Space west of Sycamore Canyon.

The "Potential Landfill" referenced in this comment has been a part of the Community Plan since the 1997 amendment when the City MSCP Subarea Plan was incorporated into the Community Plan. The Subarea Plan recognizes a potential future landfill in Spring Canyon. For example Page 15 Eastern Area, MHPA Guidelines state:

B3. In the event that a future landfill is located in East Elliott, the area shown for development will revert to open space and the landfill development footprint and ancillary uses will be outside of the MHPA. Development of a landfill would not require an amendment to the Subarea Plan if the extent of impacts associated with the landfill is essentially equivalent to the eastern development.

Page 69, Major Issues states: "2. Potential associated impacts related to siting a future landfill in East Elliott." A potential landfill site in Spring Canyon in East Elliott was identified by the County and City of San Diego in 1990 as described in section 8.2.3 and shown on Figure 8.2-1 of the EIR. The Spring Canyon site was rejected by the EIR as an alternative to the proposed Maser Plan.

To the City's knowledge, there is no new proposal to site another landfill in East Elliott.

**Response to Comment L4-25:**

The agreement originally entered into between the County of San Diego and the third party landfill gas operator remains in effect " for so long as economic quantities of the gas are available." SLI has committed to assuring that all feasible landfill gas is used for energy production if the third party contractor does not opt to do so. Moreover, pursuant to mitigation measure 4.7.11, the Project is required to route all collected landfill gas to an NSPS-approved control device.



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(cont'd.)

**Alternative Daily Cover**

On Page 2-11, the Draft EIR states that the Landfill is currently permitted to process green materials and geosynthetic fabric (tarps) for the Alternative Daily Cover ("ADC"). But "in the future SLI may apply to the LEA and RWQCB for approval to use other listed ADCs, under the procedures set for the materials covered by the regulations in Title 27" (e.g., foam products, sludge, ash and cement kiln dust materials, treated auto shredder waste, contaminated sediments, dredge spoils, construction and demolition wastes, and shredded tires). In the Project Description in Chapter 3, the Draft EIR should be clear as to whether other types of ADC are considered part of the Project, whether the environmental impacts from other proposed types of ADC have been adequately analyzed, and whether these alternative materials are currently accepted at the Landfill. If it is foreseeable that these materials may be used, they must be studied as part of the Project.

L4-26

**Liner System on Older Portions of Landfill**

On Page 2-12, the Draft EIR states that only the newer portions of the Landfill (northern and southern portions) have a geo-synthetic clay/composite liner overlain by a synthetic liner. The Draft EIR should also discuss whether it would be feasible to retrofit the older portions of the Landfill and/or to install other controls to prevent liquids from leaving the Landfill and impacting groundwater resources.

L4-27

**Off-Site Litter Impacts**

The Draft EIR fails to adequately consider the Project's off-site litter impacts. For example, on Page 2-14, it states that litter is controlled on-site by confining exposed waste to a minimal area. SLI uses site personnel to collect wind-blown litter "on-site", along the access road, and within a one-quarter mile radius of the site on an as-needed basis. However, the waste load haulers accessing the Landfill site currently use and will continue to use major arterials and other streets in Santee as well as SR 52. The Environmental Setting, Project Description, Visual Impact, Hydrology, and Public Services sections of the Draft EIR should discuss controls for off-site litter on Santee roads. Litter control has a direct relationship with water quality and these impacts must be fully discussed and mitigated where feasible. Both the Basin Plan and RWQCB Order No. R9-2007-0001 prohibit municipalities such as San Diego and Santee from allowing the dumping or deposition of litter in any manner which may permit its being transported into the MS4 system, and thereby the waters of the United States. To mitigate the significant impact that off-site litter has on Santee roads, San Diego should impose a fixed impact fee system whereby fees are provided to Santee to manage off-site litter issues.

L4-28

RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

**Response to Comment L4-26:**

See Response to Comment S1-6.

**Response to Comment L4-27:**

It is not feasible to install a liner under the existing waste. Moreover, because of fill settlement and gas production issues, it is not standard practice for landfills to install liner in areas already filled with waste. Instead, the LEA and the RWQCB ensure control of leachate on the unlined portion of existing landfills through a combination of final cover design as well as a comprehensive control system. The final cover would be designed in accordance with Title 27 and reviewed and approved by the Regional Water Quality Control Board, the CIWMB and the LEA. It would be addressed in the Preliminary Closure and Post-closure Maintenance Plans, which also would include an evaluation of funding for the construction of this final cover. Adequate closure funding would be assured through the CIWMB's financial assurance requirements. The benefits of the final cover are supplemented by the landfill's comprehensive control plan, as discussed in Section 2.3.1.7 of the EIR. That control system is in place today, and would continue with implementation of the Master Plan. As stated therein, a comprehensive control system ensures against any impacts from leachate resulting from filling over the old, unlined portion of the landfill.

**Response to Comment L4-28:**

See Response to Comment L4-14.

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(cont'd.)

**Fire and Emergency Medical Services**

On Page 2-18, the Draft EIR states that fire and emergency medical services for the Landfill are currently provided by the San Diego Fire Department, Station 34. It further states that prior to June 20, 2005, Santee's Fire Department provided fire and emergency medical services to the Landfill area under an "Automatic Aid Agreement" between San Diego and Santee. But with the lapsing of the San Diego/Santee "Mutual Aid Agreement" in 2005, San Diego's Fire Department became the primary responder for any fire or injury at the Landfill site.

The Draft EIR confuses "Automatic Aid Agreement" with "Mutual Aid Agreement". San Diego and Santee have not terminated the Mutual Aid Agreement. However, contrary to the Draft EIR, Santee's Fire Department cannot be viewed as the regular responder to incidents at the Landfill pursuant to an Automatic Aid approach. Santee would respond under the Mutual Aid Agreement. In other words, the Draft EIR cannot be based upon Santee being a frontline fire and emergency services provider but should assume that San Diego would be the frontline, regular responder. See comments on Section 7.0, Effects Found Not To Be Significant, for further discussion.

**3.0, Project Description**

Under CEQA, "[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives..." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655 [citation].) Santee is concerned that the following provisions in the Draft EIR fail to achieve this purpose, among other things.

**Project Objectives – Regional v. Local Needs**

The Project objectives, as well as the entire Draft EIR in general, are internally inconsistent in distinguishing the regional need from the local need for the Project. For example, on Page 3-1, objective No. 1 is "[I]ncrease the allowable daily tonnage and associated traffic into the landfill to assist in meeting current and future increased waste disposal needs of both [San Diego] and other jurisdictions in the region." However, objective Nos. 6 and 7 state the Project is intended to provide a "centralized location for disposal of solid waste within the jurisdiction of [San Diego]." Further, Objective No. 9 is to "[e]xtend the life of the county-wide landfill system (incorporated and unincorporated areas) and assist in fulfilling [San Diego's] need for long term waste disposal in a facility...." The Draft EIR must be consistent regarding whether the Project is designed to meet San Diego's needs or to serve as the region's Landfill.

RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

**Response to Comment L4-29:**

The comment has been clarified by changing the EIR text on page 2-18 to read: "With the lapsing of the City of San Diego/City of Santee Automatic Aid Agreement in 2005..."

**Response to Comment L4-30:**

As discussed in more detail in response to the specific assertions raised, the EIR provides an accurate Project description sufficient to give the public and interested parties and public agencies the ability to balance the Project's benefits against the environmental impacts, consider appropriate mitigation measures, and properly weigh the alternatives.

**Response to Comment L4-31:**

There is no inconsistency between the objectives quoted in the comment letter. The landfill is designed to meet both the needs of the City of San Diego and those of the broader region. The landfill is obligated under its Franchise Agreement to meet the disposal needs of the City of San Diego. If there is additional capacity available after meeting that obligation, the landfill also is able to meet the needs of the broader San Diego region, including the City of Santee.

L4-29

L4-30

L4-31

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(cont'd.)

In either case, Santee, not San Diego, the County, or other jurisdictions, will bear the environmental impacts of the Project. If the Project is intended to service the region's waste disposal needs, then the analysis of those needs (as further discussed above in the comments on the Executive Summary) must be complete, accurate, and reflective of the objectives of the CIWMP. If the Project is needed to fulfill San Diego's waste disposal responsibilities and needs under the CIWMP, then that factor should be adequately discussed as well. There is no mention of what San Diego's local responsibilities and needs are in comparison to the other seventeen local jurisdictions and the County comprising the San Diego County Integrated Waste Management Local Task Force (LTF). The Draft EIR also fails to adequately discuss why expansion of the Landfill, as opposed to a new Landfill located well within San Diego's jurisdiction, would best achieve those responsibilities and needs.

L4-32

**Incorporation of the Project into Mission Trails Regional Park**

On Page 3-1, the Draft EIR states that one of the objectives for the Project is to "[u]tilize architectural designs for proposed ancillary facilities that are compatible with possible future incorporation of the landfill site into Mission Trails Regional Park". The Draft EIR needs to specify whether incorporation of the Landfill site into Mission Trails Regional Park is considered part of the Project, discuss how the Project achieves this objective, and discuss any environmental impacts that would occur as a result of the "future" incorporation.

L4-33

**Daily Tonnage Levels**

On Page 3-2, the Draft EIR states that permitted daily tonnage levels would be increased in a series of steps from the existing 3,965 tpd to 6,800 tpd following City approval and an amendment to the Franchise Agreement, to 9,400 tpd in 2010, 10,700 tpd in 2015, 11,800 tpd in 2020, and 13,000 tpd in 2025 and thereafter, to closure. These figures are misleading because they do not adequately inform the public, agencies, and decision makers of the actual waste stream projections (in tons per day) as a result of the Project. These figures only account for MSW as opposed to imported base material, green, C&D, Class B biosolids, and recyclables. By 2028, 13,000 tpd are projected for MSW, but 16,700 tpd are projected for "average total all waste stream components" and a "requested daily tonnage limit based on monthly averages" of 16,700 tpd (See Table 4.4-1). The Draft EIR should always use the "all waste stream" tonnages in order to provide a complete description of the Project's environmental impacts.

L4-34

**"Future" Composting Program**

On Page 3-7, the Draft EIR states that "[p]ossible future development of a composting program is being considered, including soil blending, to assist local governments in diverting organic materials from the landfill waste stream. Should specific composting

L4-35

**RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)**

**Response to Comment L4-32:**

See Responses to Comments L4-4, L4-5 and L4-17 above. There are no feasible alternative landfill sites for new landfills in the City of San Diego, as discussed in the alternatives analysis of the EIR, Section 8.2.3. Expansion of the Sycamore Landfill has been planned for many years, and is the preferred alternative to development of an alternative site in the City of San Diego because there are no alternative sites that would as readily accommodate municipal solid waste disposal, that would be as centrally located, or that would otherwise meet the requirements for such a project. The EIR looked at development of an alternative site, in Section 8.2.3 of the document, and determined that no alternative site would decrease environmental impacts, while providing a comparable capacity that would meet the Project objectives. Alternative sites were evaluated, based on a City landfill siting study which identified four potential regional landfill sites. All of the potential sites are smaller than the Sycamore Landfill site. The alternative landfill sites would not result in avoidance of significant impacts and would increase potential biological impacts. They also would fail to achieve Objective 1, to make more effective use of an already permitted landfill site.

**Response to Comment L4-33:**

Incorporation of the landfill into the park is not a part of the Project. Rather, the Project incorporated various elements of the MTRP Design District due to the site's proximity to Mission Trails.

**Response to Comment L4-34:**

The MSW intake tonnage levels originally were developed based on projections of anticipated increases in just the municipal solid waste component of the waste stream. Later, the CIWMB indicated that projections of all components of solid waste coming into the landfill needed to be addressed and estimated. The result is shown in EIR Table 3.2-3, and the explanatory text on page 3-32. All analyses in the EIR related to waste tonnage (which include the recyclable materials) use the requested daily tonnage limit from column 10 of that table.

**Response to Comment L4-35:**

The analysis of composting in the EIR is provided at a programmatic level, which is all that is feasible at this time, given the limited information available. As explained in the EIR at page 4.7-28, if composting is pursued in the future, potential air quality impacts associated with such operations would be analyzed at that time, when more detailed composting information would be available. The following discussions are cited as examples of the composting information and analysis presented in the EIR:

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Response to Comment L4-35: (cont'd.)

- Section 3.2.1.5 describes future composting to the degree it is foreseen by the Applicant today. Information provided includes the types of material to be composted, the composting method referred to as "windrows", anticipated size of each windrow, equipment use, compost monitoring odor prevention and control measures, ultimate use of composted material, and a maximum amount of greens material that would be processed at the landfill site. It goes on to note that the traffic and noise impacts of trucks delivering greens material are included in their respective analyses and that the number of vehicle transporting greens would count against the permit limits for trucks per day.
- Table 3.2-3 shows tons per day of greens material available for composting by phase of development.
- As noted on page 4.7-28 of the EIR, "[t]he other potential impacts of composting operations have been included and analyzed in the relevant sections of the EIR, including but not limited to, Traffic, Noise, Visual, and Biological impacts and would not need to be addressed in a subsequent EIR."
- Table 3.2-4 shows the corresponding greens material truck trips.
- Section 4.4 and 4.6, Traffic and Noise, respectively, are based on the traffic numbers from Table 3.2-4 and so composting is included in those analyses.
- Section 4.7, Air Quality includes a analysis Titled "Tiered EIR Approach for Composting."

Sections 4.7.2.2 and 4.7.3 of the EIR describe the uncertainty related to estimating emissions of criteria pollutants (and by inference odorous compounds) from compost operations. To provide any specific analysis or attempt to quantify emissions from a future composting operation would be speculative because of the inconsistency in compost emission levels in the studies cited in the EIR; and, would not add meaningfully to the analysis presented in the EIR. The EIR states on page 4.7-28

"Therefore, composting operations would not be permitted or implemented prior to the completion of more detailed studies of the potential air quality impacts."

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Response to Comment L4-35: (cont'd.)

With regard to compost-related odors, the EIR concludes:

"Impact 4.7.3, A violation of the SDAPCD Rule 51 "Nuisance", (State Health and Safety Code Section 41700) could occur because of the possibility that some green material or composting odors may be detectable at sensitive receptor locations on occasion in the future, with or without the landfill Master Plan development. Although such odors are considered unlikely to be widespread or long-term, the potential for occasional odors resulting from green material management or composting operations are considered significant."

We disagree that composting should be removed from the EIR entirely merely because it can only be reviewed programmatically at this time. Composting is an important part of the regional strategy to meet the reduction and diversion goals of AB 939. As such, it is possible that composting would be proposed for this site at some point in the future. The programmatic discussion provided in this EIR has served to inform the public and interested agencies of this potential future operation at the landfill as evidenced by the comments received.

The analysis of the Composting in the EIR is at a program level as provided by State CEQA Guidelines Section 15165, Multiple and Phased Projects, which states:

"Where individual Projects are, or a phased Project is, to be undertaken and where the total undertaking comprises a Project with significant environmental effect, the Lead Agency shall prepare a single program EIR for the ultimate Project as described in Section 15168."

For other aspects of the Project, this EIR is a Project specific EIR, which is allowed under Guidelines Section 15160, which states:

"This article describes a number of examples of variations in EIRs as the documents are tailored to different situations and intended uses. These variations are not exclusive. Lead Agencies may use other variations consistent with the Guidelines to meet the needs of other circumstances."

As described above, the EIR provides the required analysis to the extent allowed given the information available. Removal of the description of composting and programmatic analysis of environmental effects would be contrary to State CEQA Guidelines Section 15165.

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plans be identified in the future, the activity would first be reviewed on a project-level basis to determine if additional CEQA analyses and permits are required." Santee is concerned about potential odor, noise, and litter impacts that may result from "future" composting operations at the Landfill, as discussed in detail below. Since composting may be used in the future, the Draft EIR should analyze the impacts now, and not defer that analysis to a later date. Or, in the alternative, composting should be deleted from the Project Description and should not be discussed in the Draft EIR.

**Third Party-Operated Cogeneration Facility**

On Page 3-19, the Draft EIR states that a third-party currently operates the landfill gas recovery facility. Permits for expansion of the third-party cogeneration facility would be submitted "in the future" by the third-party cogeneration facility operator and are analyzed to the extent that they can be predicted in the air quality analysis. Significantly, "SLI has committed to assuring that all feasible landfill gas is used for energy production if the contractor does not opt to do so." SLI's plans to recapture landfill gas and convert it into electricity should be treated as part of the Project and included as a mitigation measure to reduce air quality, global warming, and energy impacts, as further discussed below. Otherwise, there is no mechanism for San Diego to ensure that SLI expands and continues these operations in the absence of a third-party agreement. To satisfy CEQA, "[m]itigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments." (Guidelines, § 15126.4, subd. (a)(2).) This comment extends to all third-party operations.

**Acceptance of Biosolids**

On Page 3-32, the Draft EIR states that the Landfill does not currently accept Class B biosolids (dewatered sewage sludge) but further states that the current SWFP permits it to. On Page 2 of the SWFP, it states that SLI is not prohibited from accepting sludge "as specified in conditions contained in the most current Waste Discharge Requirements". The Project Description needs to explain what the conditions are in the current WDR permit for accepting biosolids. The Project Description should also definitively indicate whether biosolids are considered part of the Project. The Draft EIR must adequately analyze the environmental impacts from receiving biosolids at the Landfill, such as increased odor complaints from Santee residents and traffic impacts. The analysis should consider accepting only Class A biosolids, which are treated to a higher degree than Class B biosolids, as a mitigation measures. The environmental baseline should not include biosolids and the impacts of bringing biosolids to the site should be adequately analyzed.

L4-35  
(cont'd.)

L4-36

L4-37

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**Response to Comment L4-36:**

See Response to Comment L4-25. Currently SLI must comply with APCD rules, including Rule 59, which requires SLI to collect landfill gas, destroy the collected gas, periodically monitor surface and boundary methane levels, and take corrective action if levels exceed those prescribed by the Rules and Regulations. This responsibility extends until after the landfill has ceased operations, under the Closure and Post-Closure plans. See also Mitigation Measure 4.7.11, which requires the Project to route all collected landfill gas to an NSPS-approved control device. Compliance with Rule 59 and Mitigation Measure 4.7.11 would assure that landfill surface emissions and off-site migration of methane were controlled within specified limits. These regulatory measures would apply to new emissions associated with the Project and through the landfill closure and the post-closure maintenance period. Compliance with these rules and regulations would substantially reduce air quality impacts.

**Response to Comment L4-37:**

WDR 99-74, in Prohibition 6, allows discharge of de-watered sewage or water treatment sludge. The facility can, and in the past has, accepted de-watered sewage or water treatment sludge which has a greater than 50% solids content at the landfill, consistent with the WDR. This includes Class A and Class B biosolids. As shown in Table 3.2-3 "Sycamore Landfill Master Plan Waste Stream projections," Class B biosolids are intended to be a part of the proposed waste stream and their impacts are analyzed in this EIR. Since Class A biosolids are treated to a greater degree than Class B biosolids, impacts of receiving Class A biosolids are included in the analysis of Class B biosolids in the EIR. Biosolids are not only part of the baseline but in fact are assumed to increase at the same rate as the MSW, when in fact they would increase at a much smaller rate. As a result, impacts from biosolids are over-estimated in the EIR analysis.

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(cont'd.)

**Waste Capacity and Service Life of Landfill**

On Page 3-33, in discussing the proposed Landfill waste capacity and service life, the Draft EIR states that the Project would result in a remaining 94.5 millions tons of capacity used in approximately 21 years. The Draft EIR also states that if average tonnage figures were used instead of the maximum, service life would be 29 years or more. It concludes that if the Franchise Agreement limits were not revised and the tonnage limits are met every year, the Landfill would have approximately 33 years of life remaining assuming implementation of the proposed landfill design in the Master Plan. The Draft EIR's explanation of the service life of the Landfill is unclear as to what "average tonnage figures" are as opposed to the "maximum" figures and should provide a more detailed analysis in support of its conclusions.

In any case, the Project should limit the existing daily tonnage increases in order to serve regional solid waste capacity needs while simultaneously recognizing that immediate daily tonnage levels will result in significant and unmitigable traffic impacts for Santee residents, as further discussed below. Alternatives to the Project that could potentially achieve the region's waste disposal needs, such as the proposed Gregory Landfill, other proposed landfills, and the expansion of existing landfills, should also be analyzed in the Draft EIR.

**Hours of Operation**

On Page 2-10 (as incorporated by reference on Page 3-35), the Draft EIR states that the Landfill's current hours of operation are Monday through Friday from 6:00 a.m. to 4:30 p.m., Saturday from 6:00 a.m. to 4:00 p.m., and closed on Sunday. These figures need to be consistent throughout the Draft EIR. SLI proposes to operate the Landfill up to 24 hours per day, seven days per week. San Diego should consider only permitting the Landfill to operate 16 hours per day, which would significantly reduce nighttime noise impacts on surrounding land uses. The Draft EIR states that no more than 16 hours per day of operations is anticipated to be required. If so, then it is unnecessary for SLI to obtain approval for operations up to 24 hours per day. The current hours of operation, the hours of operation currently permitted by the SWFP, and the proposed hours should be made clear and consistent throughout the Draft EIR. Unless operating the Landfill 24 hours per day could be performed with mitigation measures incorporated into the Project that would reduce noise and traffic impacts to a less than significant level, operating 24 hours per day should not be allowed in light of the environmental impacts resulting from those operations.

L4-38

L4-39

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**Response to Comment L4-38:**

See Responses to Comments L4-4, L4-5 and L4-17. The Service Life of the landfill is based on the ultimate volumetric capacity approved and the rate at which waste is accepted into the facility. The LEA would issue a Solid Waste Facility Permit (SWFP) based on the EIR that would limit daily waste acceptance at the facility to a certain tonnage and number of tickets per day cap. This tonnage and the tickets received would be the maximum that the facility can take on any given day. However as stated in the other Responses to Comments and in MM 4.4.5d for the TDM Plan, waste received each day varies depending on the day of the week as well as time of the year and other factors over which the applicant has no control. The EIR has analyzed traffic impacts based on receipt of wastes at the maximum level as indicated in Table 3.2-3, which would become the permit limits in the SWFP. This is a conservative approach because waste would not be received every day at the maximum level, but rather would be received at some lower amount with daily peaks near the cap. Analysis using this approach yields the maximum impacts to traffic, noise, air and other areas as well as a shorter landfill life than would likely occur, but provides a minimum Service Life expectancy for the facility. If an average daily waste receipt level were used, the service life of the facility would more likely be in the range of 29 years as stated in section 3.2.2.3.

**Response to Comment L4-39:**

Comment noted. As stated in the Response to Comment S1-15 above, 24-hour per day operations are proposed and analyzed in the EIR, and are driven in part by the amount of waste generated in the region.

As described on EIR Section 4.0, conservative assumptions were employed under each environmental analysis, in order to ensure that the actual impacts of the Project, when implemented would be less than or equal to the values in this EIR. Thus, in case the 24-hour operation is not approved, the EIR has analyzed those impacts. Please see Table 4.0-1, which provides a clear understanding of the various assumptions. For example, the traffic study assumed current operating hours, which resulted in the model forcing more vehicles onto roads during peak hours, resulting in higher impacts. Conversely, under the noise analysis, expanded hours of operation were used as the basis, because people are more sensitive to evening and nighttime noise. This sensitivity is built into the CNEL noise parameter, by increasing predicted noise levels that occur during evening and nighttime hours.

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**Post-closure Impact Mitigation Fees**

On Page 3-37, the Draft EIR discusses post-closure procedures for the Landfill and states that funding is submitted by SLI to assure that funds are available to accomplish these obligations. As a mitigation measure, San Diego should require SLI to set aside funding that would assist Santee staff in overseeing and managing post-closure issues that impact Santee residents. Such funding should also be provided for all pre-closure operations as well.

L4-40

**Final Cover upon Closure of the Landfill**

On Page 3-37, Draft EIR states that the Landfill will use a monolithic alternate earthen final cover upon closer of the Landfill. SLI would be required to apply to the RWQCB, the City's LEA, and CIWMB for approval to use the monolithic alternate earthen final cover. The cover would consist of yellow fill and rock dust produced as by-product of the aggregate processing operation being conducted onsite by Hanson Aggregates Inc. The Draft EIR fails to provide a definition for "yellow fill" and should define the term accordingly in order to adequately inform the public, agencies, and decision makers of the Project Description.

L4-41

**Recirculation of Leachate into Lined Portions of Landfill**

At Page 3-40, the discussion of the Trucked Industrial Waste Discharge Permit for Leachate and Sewage is vague as to whether recirculation of the leachate into the lined portions of the Landfill (to be approved by RWQCB and SDAPCD) is part of the Project. It states that if the Project is approved, SLI "may" receive approval to recirculate its leachate and condensate over lined areas. If these operations are part of the Project, their environmental impacts need to be adequately discussed in the Draft EIR, particularly with respect to hydrology impacts. In addition, the Draft EIR should discuss whether recirculation of leachate into the lined portions of the Landfill could reduce traffic impacts from the Project.

L4-42

**Relocation of Existing Transmission Line**

In Section 3.3, the Draft EIR discusses the relocation of the existing electric power transmission and distribution lines. Where this portion of the Project is referenced in the Draft EIR, the analysis should confirm that transmission line relocation will have no nexus to or facilitate in any way the proposed ENPEX project on MCAS Miramar, located directly adjacent to Santee Lakes and Fanita Ranch. Otherwise, the Draft EIR should analyze the growth-inducing and cumulative impacts of the Project as they relate to the ENPEX project. If the transmission line relocation in any way facilitates the ENPEX project, that fact must be fully disclosed and all related impacts must be fully analyzed.

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**Response to Comment L4-40:**

The CIWMB, through the Financial Assurances at Solid Waste Facilities and at Waste Management Units for Solid Waste regulation in Title 27 Division 2, Chapter 6, defines the statewide process by which operators of solid waste landfills must demonstrate the availability of financial resources to conduct closure and post-closure activities and provides for the funding mechanism to assure that proper closure and post-closure activities are carried out according to approved plans and state regulations to assure protection of the citizens of the state and the environment. The Local Enforcement Agency and the City of San Diego would regularly inspect the landfill during the closure and post-closure periods to assure that the facility meets its required obligations under state regulations and the approved post-closure maintenance plan. The funding mechanism requested by the commenter would be duplicative of that already required by state regulation, and thus is unnecessary.

**Response to Comment L4-41:**

As stated in Section 3.2.2.6 of the EIR, yellow fill is a byproduct of the rock crushing operation currently carried out by Hanson on site. After the rock is excavated and it has passed through a crusher, it is screened to remove the aggregate of a certain size or larger. The yellow fill is the natural soil material that remains after the gravel/aggregate has been removed by screening.

**Response to Comment L4-42:**

Recirculation of the leachate into lined portions of the landfill is a part of the Project description and was therefore described in section 3.2.2.5, titled 'Operational Practices', in the first bullet, and mentioned in section 3.2.3.9 as indicated by the commenter. This practice is permissible under 40 CFR 258.28. The hydrologic impacts of recirculating leachate and condensate have been included in the environmental analysis of the overall project's waste and leachate impacts on surface and groundwater quality as discussed in sections 4.10.2.2 A., B. and C. of the EIR. Similarly the other impacts of recirculating the leachate and condensate have been included in the analysis of air, noise and other impacts associated with managing waste, leachate and condensate.

It was determined that off-site traffic would not be significantly reduced due to internal recirculation of the leachate and condensate. Volumes of leachate generated by the landfill facility are small due to the relatively dry climate in the area. Currently leachate is collected and disposed off-site approximately twice per month. As a result, even with an increase in leachate and condensate to be managed, off-site hauling due to recirculation of the leachate and condensate would decrease traffic by a few trips a month, or less than one trip per day. Therefore, compared to initial proposed Average Daily Traffic of 3040, the reduction in traffic impacts due to recirculation would be minimal.



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**Response to Comment L4-43:**

The transmission line relocation has no relationship to the proposed ENPEX Project. The Project merely moves the existing transmission line from its current location, crossing through the middle of the landfill, to an alternate location along the border of the landfill; nothing else about the transmission line has changed.

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**4.1. LAND USE**

**Franchise Fee**

On Page 4.1-10, the Draft EIR states that the San Diego Landfill Systems Franchise Agreement provides a franchise fee to San Diego based on the amount of waste received at the Landfill. Although not specifically discussed in the Draft EIR, Article VII of the Franchise Agreement states that SLI must pay a quarterly franchise fee to San Diego based on the amount of waste accepted at the Landfill. And yet most, if not all, of the Project's environmental impacts will affect Santee residents, not San Diego residents, and will drain Santee resources to oversee the Landfill's impacts on Santee.

As discussed above, the mitigation measures adopted to reduce the Project's impacts should include project impacts fees imposed on SLI for the benefit of Santee. These fees should be sufficient to fund, among other things, the position of a Santee employee known as the Community Landfill Monitor, the Sheriff's enforcement of traffic issues, feral animal control, street sweeping, stormwater enforcement, pavement management, street maintenance, and litter control.

**Consistency with San Diego General Plan**

As indicated on Page 4.1-12, the San Diego General Plan/Strategic Framework Plan, General Plan Public Facilities Policies PF 1.3, No. 6 provides that San Diego should "[c]ooperate on a regional basis with local government, state agencies, and private solid waste companies to find the best practicable, environmentally safe, and equitable solutions to solid and hazardous waste management." Although San Diego and SLI have been willing to engage in discussions with Santee regarding the Project and to modify the Project in some respects to reduce its impacts on Santee, until the parties reach an agreement on how to mitigate the outstanding visual, traffic, air quality, and odor impacts (among others) the Project is inconsistent with this policy. To approve the Project as described in the Draft EIR without imposing feasible mitigation measures is not only inconsistent with CEQA but also inconsistent with general planning and interjurisdictional cooperation.

**Consistency with Mission Trails Design District**

On Page 4.1-21, the discussion concludes that the Project is consistent with the Mission Trails Design District's goal to encourage pathways and linkages into the park, but no specific trails have been identified. The Draft EIR states that Mission Trails Regional Park (MTRP) personnel and San Diego City Council members are developing a trail proposal to link several open space areas to the north of the Project site with MTRP but that "no specific trail opportunities have been identified." Further, SLI "has committed"

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**Response to Comment L4-44:**

The Franchise Agreement is with the City of San Diego, and the Project is located within the City of San Diego. The EIR provides all feasible mitigation measures for all significant Project impacts, and the appropriate monitoring agency for those measures is the City of San Diego.

**Response to Comment L4-45:**

The section noted in the comment appears to refer to "General Plan Section PF 1.3, Provide environmentally sound waste disposal facilities and alternatives (City of San Diego General Plan, March 2008)." Paragraph f states, "Cooperate on a regional basis with local governments, state agencies, and private solid waste companies to find the best practicable, environmentally safe, and equitable solutions to solid and hazardous waste management." The policy includes the key word "practicable," which means capable of being done. As described elsewhere in the FEIR, all feasible mitigation measures are being imposed on the Project by the City of San Diego.

**Response to Comment L4-46:**

The language of the Design District policy cited is to "encourage pathways and linkages into the park." As described in the EIR, SLI is committed to working with the City to identify potential trail opportunities, taking into consideration various safety and environmental considerations. The policy does not "require" provision of pathways and linkages." There is no impact to the Design District policies as a result of the Project, and therefore, no mitigation is required.

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to working with San Diego to identify trail opportunities. If so, then this commitment should be incorporated as a required mitigation measure to reduce any potential inconsistencies between the Project and the Mission Trails Design District and Map.

L4-46  
(cont'd.)

Likewise, on Page 4.1-29, Mission Trails Design District Sub Area 2 – Hillside Areas, A.10 states that hillside development is not permitted on slopes 50% or greater. The analysis concludes that one acre of slopes 50% or more with vertical rise 50 feet or more would be excavated or filled within Subarea 2 of the Mission Trails Design District as a result of the Project. The Draft EIR should be more clear that the Project is inconsistent with this policy and should indicate whether SLI is seeking a variance from San Diego. The Draft EIR should also set forth the requirements for obtaining such a variance and analyze the environmental impacts associated with granting such a variance.

L4-47

**Consistency with Santee's General Plan**

As discussed on Page 4.1-33, Santee's General Plan Update, Land Use Element, Policy 9.2 states that Santee "should oppose any expansion or operational changes at the Sycamore Landfill that will result in increased land use compatibility impacts to the City, unless they can be adequately mitigated." Santee submits this comment letter in furtherance of this policy. As described in detail in this letter, Santee is concerned about the Project's impacts on landform alteration/visual quality, traffic/circulation, air quality, odor, noise, and water quality and whether sufficient, feasible mitigation measures have been proposed to reduce these impacts. Consistent with Policy 9.2, Santee must oppose the expansion of the Landfill until San Diego and SLI have demonstrated that its environmental impacts will be adequately mitigated. This policy is consistent with CEQA and general planning principles finding that in preparing an EIR a lead agency, such as San Diego, may not limit its vision to its own jurisdictional boundaries if a project's impact will extend beyond those boundaries. It must impose feasible mitigation measures even if they address impacts outside the lead agency's jurisdictional boundaries. (See *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795.)

L4-48

**Consistency with Development Regulations for Sensitive Biological Resources**

On Page 4.1-39, when discussing the Project's consistency with San Diego's Development Regulations for Sensitive Biological Resources, the Draft EIR states that the Project must not result in adverse impacts to wetlands. The analysis concludes that the Project will not have a significant impact, relying on wetlands creation intended to mitigate impacts from a previously approved permit in 2002. However, the analysis fails to cite any authority under state or federal law that allows SLI to apply prior creation of wetlands for another project as a mitigation measure to mitigate the current Project's impacts on wetlands. Moreover, in *Southwest Center for Biological Diversity v. Bartel*, Civ. No. 98-CV-2234-B (S.D. Cal. 2006), the United States District Court for the Southern District of California held that creation (as opposed to restoration) of wetlands

L4-49

**RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)**

**Response to Comment L4-47:**

As stated in EIR Section 4.1.2.2 A, Mission Trails Design District, Policy 10, no structures would be developed on slopes of 50% or greater. Therefore, the Project complies with Policy 10. As the EIR goes on to state, however, part of a slope greater than 50% slope would be excavated at the southwest portion of the landfill site, to allow the planned access road to pass. This would not conflict with the policy, and the cut would not be visible from any location off-site. No variance is required.

**Response to Comment L4-48:**

Comment noted. The comment fails to note that the City of San Diego analyzed impacts to the City of Santee and its residents in all instances where such impacts would potentially be significant. For example, the visual quality analysis of the EIR looks not only at impacts to viewpoints in the City of San Diego, but also analyzes impacts from Santee viewpoints as well, including viewpoints from the recently approved Fanita Ranch and all other locations where potentially significant impacts could occur, regardless of jurisdictional boundary. Similarly, the EIR analyzes impacts from Project noise to the City of Santee. In addition, the EIR looks at odor and air quality impacts within the jurisdictional boundaries of Santee. The EIR requires all feasible mitigation measures without regard to jurisdictional boundaries.

**Response to Comment L4-49:**

The applicant planned, permitted, and constructed a wetlands mitigation area south of Sycamore Landfill as part of mitigation for PDP/SDP 40-0765. This area was approved by the permitting agencies with authority over the impacts. As described in the EIR, there are easements within this wetland creation area that previously precluded reliance on the creation areas within these easements for mitigation. The current Project includes vacating these easements, thus freeing the portion of the easements within the creation area to be used for mitigation by the Project.

The cited case, *Southwest Center for Biological Diversity v. Bartel*, Civ. No. 98-CV-2234-B (S.D. Cal. 2006), is related to vernal pools and associated protected species and the City's Incidental Take Permit issued by the US Fish and Wildlife Service with regard to those species. As documented in the EIR, none of the species in question occur in the wetlands being affected by the Project and the affected wetlands are not 'vernal pools.' Therefore, this case does not apply to the Project.

Wetland impacts would not be significant after mitigation, as described in the EIR, MM 4.3.12a, and summarized in Table ES-1.

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is an inadequate mitigation measure. As such, the Project's wetlands impacts are insufficiently mitigated.

**4.2. LANDFORM ALTERNATION/VISUAL QUALITY**

**Landfill Entrance**

The Landfill entrance is located at the gateway to Santee. Therefore, it is imperative that any aesthetic impacts on the entrance be adequately mitigated, including proper vegetation and maintenance. The Draft EIR should address these impacts, including the Project's compliance with any applicable aesthetic ordinances, and incorporate sufficient mitigation measures to reduce them to a less than significant level. General Visual Impacts of Project – One of the Tallest "Mountains" in Santee

Since Santee's review of the initial application, a new Project Description that lowers the overall height of the Landfill from the proposed 1,145' AMSL to 1,050' AMSL is identified as the Project. The new Project Description incorporates a graded design that creates a hill towards the west of the Landfill, at 1,050' AMSL, with a lower hill at the center of the landfill, at 970' AMSL. Two valleys have been added to the south face of the Landfill to reflect surrounding natural slope features.

While Santee appreciates this height reduction and improvement in the final graded design of the Landfill at closure, Santee is still concerned with the visual impacts of the Project on Santee and MTRP with regard to the south and east facing slopes of the Landfill. Indeed, on Page 4.2-67, the Draft EIR understates the fact that the Landfill's increase from 883' AMSL to 1,050' AMSL feet will "change a small canyon into a small mountain" and that the Project will have significant, unmitigable landform and visual quality impacts.

In actuality, the proposed final elevation of 1,050' AMSL will result in a man-made geological feature that will be prominent in the western viewshed of Santee, visible from points all the way to the eastern boundary of Santee. This "mountain" made of trash will be the predominant visual feature in the viewshed, towering 200-300' above adjacent natural ridgelines. This "small mountain" would be taller than the hillsides in and adjacent to Santee that visually frame the developed portions of Santee and provide panoramic visual relief. These hillsides range in elevations from 600 feet to 800 feet. In addition, the Project will have a dramatic visual impact from State Route 52, the gateway to Santee. As a point of reference, the highest elevation on SR 52 west of the Landfill, known as the Santee Summit, has an elevation of 821'. Thus, the "mountain" of trash would be 200' higher than Santee Summit. These significant, long-term impacts to the aesthetic appeal of Santee and to the quality of life of Santee residents are understated in the Draft EIR, thereby calling into question the visual impact analysis and failure to inform decision makers of the Project's actual impacts.

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L4-49  
(cont'd.)

L4-50

L4-51

RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

**Response to Comment L4-50:**

The Project has been reviewed against and found to comply with the City of San Diego's Land Development Code regulations and guidelines regarding landscaping and architectural treatments for the entrance and other landfill structures.

**Response to Comment L4-51:**

Santee implies that the proposed landfill would be the only landform in or near the City at the proposed elevation, and thus would "stick out" from the natural topography. A review of the four U.S.G.S. topographic maps that include Santee and its vicinity (La Mesa, El Cajon, Poway and San Vicente Reservoir) shows local mountains at 1108, 1051, 1591, 1374, 1379, 1194, 1094, 1291, 1082, 1094, 1204, 1191, 1127, 1204, 1062, 1066, and 1110. The anticipated visual impact of the future, closed landfill from SR-52 is depicted in a visual simulation in Figure 4.2-22. Another view coming into Santee via Mission Gorge Road is shown in Figure 4.2-23. These views show the Project's anticipated visual impacts, from the viewpoints selected before the study by personnel from both the City of San Diego and the City of Santee.

It is infeasible to reduce all visual impacts associated with this Project to a level less than significant, in part because landform changes involving more than 2,000 cubic yards of cut or fill per acre are deemed significant by City of San Diego criteria, if manufactured slopes higher than ten feet are produced. Therefore, the Project, which involves more than 30,000 cubic yards of fill per acre, and a maximum height increase of 167 feet, could never be found visually less than significant, no matter what mitigation measures were utilized. Even reducing the maximum height of the landfill to the reduced height alternative still has significant unmitigable visual quality impacts.

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(cont'd.)

**Views of Landfill Post-closure**

As shown in the photo simulations, the views during the operational life of the Landfill and after Landfill closure are significant as they can be viewed from existing residential, park/open space, and school sites as well as Fanita Ranch. The photo-simulations show the Landfill slope at its current permitted height of 883' AMSL and what the final slopes would look like at closure, estimated to occur at 2029. However, the interim slope conditions are not addressed. Will the berms be flat-topped, resulting in a highly visible eye-sore? Will there be an adequate cover of soil on these incremental slopes that can support native vegetation throughout the active life of the Landfill? These questions remain because the photo simulations for the views at five year intervals are not included in the Draft EIR. The interim photo simulations must be included to present the full picture.

L4-52

**Thresholds – Viewpoints Considered**

On Page 4.2-17, the Draft EIR states that nine public viewpoints were identified as being most representative of existing and prospective future views toward the Project site. The analysis explains that "[p]ublic viewpoints have been emphasized because neither San Diego regulations nor CEQA protects private views".

L4-53

To the contrary, nothing in CEQA limits the analysis of a Project's visual impacts from considering private viewpoints. The checklist in Appendix G of the CEQA Guidelines, Section 1 (Aesthetics) does not limit the visual impact analysis to "public" scenic vistas. Furthermore, under CEQA, San Diego has an independent obligation to rely upon substantial evidence to support its conclusion that impacts are mitigated to a less than significant level. (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98.) Use of existing environmental standards in determining the significance of an impact "is an effective means of promoting consistency in significance determinations and integrating CEQA environmental review activities with other environmental program planning and regulation" (Id. at p. 111.) However, San Diego cannot limit its analysis to whether the Project complies with its own visual impact regulations but must also consider whether the Project will have a significant visual impact under CEQA. Local and state standards alone cannot determine CEQA thresholds. (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland* (2001) 91 Cal.App.4th 1344, 1381.)

**Methodology – Views from State Routes 52 and 125**

On Page 4.2-18 of the Draft EIR and Figures 4.2-6, 4.2-7, and 4.2-8, the visual impact analysis only assesses the highway views from State Routes 52 and 125 from the perspective of the driver. The driver's views are discounted because the driver's

L4-54

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**Response to Comment L4-52:**

The EIR states that visual impacts of the proposed landform would be significant and unmitigable. Ten different visual simulations (EIR Figures 4.2-22 through 4.2-31) were prepared for various viewpoints, most of them located within the City of Santee. Projected interim year profiles of the landform were shown in all of these simulations, although the reader needs to look below the interim profiles to the color simulation below to extrapolate the interim year appearance. Anticipated contrast between the bare soil and mulch of newly-constructed landfill areas and the surrounding hillsides are described in Impact 4.2.4, EIR Section 4.2.4.2 A. Multiple additional visual simulations are not required to demonstrate the visual impacts are significant and unmitigable.

**Response to Comment L4-53:**

The EIR's significance threshold protecting public but not private views is based in fact, law and City guidelines. The City's position that impacts to private views are not significant is specifically set out in its CEQA Significance Thresholds. There, the City has expressly concluded that private views are not protected and therefore, impacts to private views are not significant. The City's visual significance criteria not only make the distinction, it expressly contradicts the comment's assertion and states that "[v]iews from private property are not protected by CEQA or the City of San Diego." See California Environmental Quality Act Significance Determination Thresholds, Development Services Department (January 2007) at 75.

The State CEQA Guidelines at Section 15064.7 provide that each public agency is encouraged to develop its own thresholds of significance to use in determining the significance of an environmental effect. The City of San Diego has done so, and as the City's Thresholds of Significance explain, it does not consider impacts to private views to be significant.

Even though the City's policy is that private view impacts are not significant, the EIR nonetheless includes visual simulations of not only views from all public viewpoints but also went onto private property at Fanita Ranch. In fact, the viewpoints at Fanita Ranch were specifically chosen with input from City of Santee staff. Figures 4.2-3, 4.2-4a, and 4.2-4c of the EIR identify areas, both public and private, with potential views to the Project site. Section 4.2.2.5 of the EIR states:

Public viewpoints have been emphasized because neither the City of San Diego in its regulations nor the California Environmental Quality Act protects private views. Public views, whether from recreational areas, public facilities, or major roads or highways are deemed most important to the City. However, several of the key viewpoints also can be used to represent views from residential areas nearby. (Emphasis added.)

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RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

Response to Comment L4-53: (cont'd.)

The Project would not block any East Elliott Community Plan or City of Santee General Plan designated public view corridor. Since no visual analysis can take into account every potential viewing location, vantage points typically are used to demonstrate the visual effects of a Project. For EIRs, public vantage points are typically used. By comparing the location of one's private residence to the Generalized Proposed Landfill Project Visibility and Key Viewpoint Locations map (Figure 4.2-3) presented in the EIR, the effects of views towards the landfill from any private property in the area around the landfill can readily be determined.

Numerous cases have upheld an agency's determination that obstruction of a few private views is not generally regarded as a significant environmental impact. For example, the court in *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal. App. 4th 477, 492-93 held that "[u]nder CEQA, the question is whether a Project will affect the environment of persons in general, not whether a Project will affect particular persons. Additionally, California landowners do not have a right of access to air, light and view over adjoining property." As the court went on to state, "neither state nor local law protects private views from private lands ...." *Id.* at 494. See also *Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal. App. 4th 885; *Bowman v. City of Berkeley* (2004) 122 Cal. App. 4th 572, 586-87 (obstruction of a few private views is not generally regarded as a significant impact). In addition, the Project provides berms to hide the active working face from most viewpoints.

Response to Comment L4-54:

The visual impact of the Project on views from SR-52 and SR-125 is found in the EIR to be significant and unmitigable.

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attention must be focused on the road. The analysis should consider the Project's visual impacts on passengers who have time to view their surroundings. In addition, given the traffic congestion caused by the Project, the driver's view should not be fully discounted.

**Project Views from Fanita Ranch**

On Page 4.2-27, the Draft EIR states that the views of the Landfill from future residential areas in Fanita Ranch are assessed "based on the most recent site plans available from www.fanita.com on March 7, 2007". The Draft EIR should be amended to note that Fanita Ranch has been approved by Santee and such site plans have been approved as part of the project.

The visual simulations provided on Pages 4.2-62, 63, and 65 show the project as viewed from Fanita Ranch. The simulations show a significant change to the existing canyon. Five-year interval pictures should be provided in order to show a better representation of the ongoing landfill operations and closure. If these photos are not provided, a discussion within the Draft EIR should address why the photo simulations provided adequately address this concern.

**SR-52 as a State Scenic Highway**

On Page 4.2-36, the Draft EIR states that SR-52 has been designated by the State as a "state highway eligible for designation as a State Scenic Highway." Further, per Policy 9.9 of the Community Enhancement Element of the Santee General Plan, Santee shall explore pursuing designation of SR-52 as a State Scenic Highway, all or in part, as appropriate upon completion of SR-52 to its junction with SR-67. To implement this policy, Santee must adopt a scenic corridor protection program, apply to Caltrans for scenic highway approval, and receive notification from Caltrans that the highway has been designated as a scenic highway. The Draft EIR fails to analyze whether the Project's visual impacts will interfere with Santee's policy to have SR-52 designated as a State Scenic Highway by Caltrans.

**Visual Impacts of Containers and Collections Bins**

On Page 4.2-42, the Draft EIR states that at the present time up to 40 roll-off containers and up to 200 smaller collection bins (3-6 cubic yards each) are temporarily stored on inactive portions of the Landfill. Apparently "[t]his practice would continue for the foreseeable future, but the number of roll-off containers would be reduced to a maximum of 30" and "[t]o the extent feasible, these containers would be kept in less-visible portions of the Landfill site." The analysis concludes that "since this practice represents no change from current landfill practices, no significant visual impact would result from practice continuation under the [Project]". However, the visual impacts of

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**Response to Comment L4-55:**

Comment noted. Santee's approval of the Fanita Ranch development does not change the EIR's analysis or conclusions. See the Response to Comment L4-52 regarding why additional visual simulations are not required.

**Response to Comment L4-56:**

It is our understanding that Santee may request designation of SR-52 as an official scenic highway within the area of Santee jurisdiction. Although the landfill is expected to be visible from SR-52 within Santee when it rises above the surrounding ridgelines, it will be 1.5 miles or more from the nearest portion of SR-52 located in Santee, and the landfill would be revegetated with native vegetation. A landfill located between 1.5 and 4 miles from a highway segment should not preclude that highway segment from being considered a state scenic highway if the segment otherwise meets state criteria. See Response to Comment S5-18 for additional information about the State scenic highway designation process.

**Response to Comment L4-57:**

The containers and bins are currently stored out of view from any person outside the landfill in an excavated area on the western portion of the landfill site. In the future, they would continue to be stored in less visible areas of the landfill. Therefore, no visual impact is assessed in this EIR, since no adverse visual change is expected to occur, and therefore, no mitigation is required.

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L4-55

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storing these containers and bins needs to have been analyzed in a previous EIR or other environmental document, which is not discussed in the Draft EIR. The analysis should discuss what viewpoints are impacted by these containers/bins so that their impacts may be adequately considered by the public, agencies, and decision makers. Mitigation measures, including reduction of the number of containers/collection bins permitted and keeping the containers in less-visible portions of the Landfill, must be incorporated as mitigation measures into the Project so that SLI is committed to reducing these visual impacts.

L4-57  
(cont'd.)

**Visual Impacts of Tree-Service Vehicles**

Likewise, on Page 4.2-42, the Draft EIR states that the Landfill will continue the current practice of allowing tree-service vehicles (Asplundh and Davy's Tree Service) to park overnight in Landfill parking areas and along the Landfill haul road. This practice would continue until at least 2010. The analysis concludes that "since this practice represents no substantive change from current landfill practices, no significant visual impact would result from continuation of the practice under the [Project]." However, the practice of allowing tree-service vehicles to park overnight at the Landfill has not been adequately evaluated in a prior environmental document or in the Draft EIR. The visual impacts from these vehicles are unsightly for Santee residents. To comply with CEQA, the practice should either be included as part of the Project Description so that its visual impacts may be adequately evaluated or it should be eliminated. During recent discussions between Santee and SLI, SLI agreed to eliminate this practice. Thus, the Draft EIR should include as a mitigation measure a requirement that SLI not renew its third-party contract to allow tree-service vehicles to park overnight at the Landfill. Interim visual mitigation measures to address the visual impacts until 2010 should also be considered.

L4-58

**Visual Impacts of Litter**

On Page 4.2-48, the Draft EIR evaluates the potential for visual impacts associated with litter from the Landfill. The analysis concludes that the impacts would be minimized through continuation of existing litter control measures (See Section 2.3.1.6 H of the Draft EIR). However, as discussed above, the analysis must also consider off-site litter impacts, whether those impacts will be significant, and any feasible mitigation measures (such as impact fees for Santee to manage litter control on its roadways). Water quality impacts associated with litter should also be addressed and mitigated. See comments on Environmental Setting for further discussion.

L4-59

**Visual Impacts of Interim Bare Slopes**

On Page 4.2-53, Mitigation Measure 4.2.4 states that south and east facing graded areas of the Landfill that will not be active for six months will be planted within one

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**Response to Comment L4-58:**

The issue for the tree service vehicles is the same as for the roll-off containers addressed in the Response to Comment L4-57 above. There would be no visual change from the existing condition, thus no visual impact. As a result, no mitigation is required.

**Response to Comment L4-59:**

See Response to Comment L4-14.

**Response to Comment L4-60:**

Revegetating landfill slopes that are in active development, i.e., are expected to receive additional layers of waste and/or soil within less than six months, would not result in allowing for revegetation to become established, as those slopes would be covered with additional waste or soil. Therefore, no reduction in a significant visual impact would be achieved by requiring the requested mitigation.



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month of grading, using native, drought-tolerant plan material. This mitigation measure is insufficient to reduce the significant visual impacts of the Landfill on Santee residents. Cumulatively, these slopes could remain in "interim" bare conditions for proportionately longer periods. Instead, Mitigation Measures 4.2.4 should require all inactive slopes to be covered and planted after one month of inactivity with native grasslands.

L4-60  
(cont'd.)

**Post-closure Visual Impacts**

On Page 4.2-55, the Draft EIR discusses the visual impacts associated with the closure of the Landfill with respect to re-vegetation and permanent alteration to the existing landform. The analysis should also address the visual impacts of the permanent access road, the gas probe locations as shown on Figure 3-5, and any above-ground drainage pipes that may be installed on south facing slopes.

L4-61

**Mitigation Measures – Earthen Berms**

On Page 4.2-46, the Draft EIR states that noise and view-blocking barrier berms would be constructed of MSW and/or soil. This contradicts SLI's assurances to Santee that the visual impact berms visible within the City would be constructed fully of soil and that at no time would movement of waste be visible to residences and businesses in the City. This commitment from SLI should be incorporated as a feasible mitigation measure that would reduce the Project's significant visual impacts. In addition, the entire discussion of the earthen berms that will reduce visual and noise impacts to Santee must be separated from the discussion of the biological berm mitigation measures. The Draft EIR confuses these separate mitigation measures such that, as drafted, the berms that address visual impacts to Santee are inadequately described and discussed.

L4-62

**4.3, BIOLOGICAL IMPACTS**

***Wildlife Corridors***

The Draft EIR identifies three wildlife corridors within and adjacent to the Landfill: Quail Canyon, Spring Canyon, and Oak Canyon. These three wildlife corridors are also identified in the East Elliot Community Plan. Wildlife Corridors are not only important to the community in which they exist but they hold regional importance as a network for wildlife movement. The Draft EIR only analyzes the Landfill's impact on the Spring Canyon corridor and fails to adequately address the Oak and Quail Canyon corridors. In particular, the Quail Canyon Corridor is directly adjacent to Santee and may affect wildlife movement from wildlife corridors within Santee that feed into Quail Canyon. The effect of the Landfill expansion on all applicable wildlife corridors should be analyzed on a regional scale and measures should be incorporated into the Project to mitigate any significant impacts.

L4-63

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**Response to Comment L4-61:**

The landfill access road would not be visible from any key viewpoint selected by City staff of the Cities of San Diego and Santee. As shown in EIR Figure 3-5, the road would turn west from the existing access road south of the landfill, then around the southwest corner of the landfill site. At such locations it would be lower than the existing topography, and thus hidden from outside view. As it proceeds northerly up the western side of the proposed landfill landform, the cross-section of the road would be tipped to the east for control of drainage. Thus, viewers to the west and of equal or lower elevation would not be able to see the road, since the western edge of the road would be higher than the eastern edge. Viewers to the south, of equal or lower elevation, would be able to see only portions of the road, and from a distance of more than two miles. At that distance (see Figure 4.2-23), the visual impact of the roadway would be extremely small. Little, if any, of the perimeter road would be visible from the east, and none of the waste haul road would be visible.

No structures are required at the gas probe locations plotted in Figure 3-5, and so these would not represent any substantive visual impact. Finally, regarding potential above-ground drainage pipes on south-facing slopes would be treated to reduce glare and blend into the surrounding vegetation.

**Response to Comment L4-62:**

See Response to Comment L4-7.

**Response to Comment L4-63:**

The landfill expansion would come no closer to the channel of Quail Canyon than 1/3 mile, and no closer to the channel of Oak Canyon than one mile, the same distances as for the existing, approved landfill plan. Consequently, it was concluded by RECON biologists, in EIR Appendix C1, that no direct or indirect impact to those two corridors would occur as a result of the proposed landfill expansion. The biological analysis focused on potential impacts to the adjacent Spring Canyon corridor. The MHPA Guidelines, Eastern Area – East Elliott Mission Trails Regional Park, state that there is no impact to the East Elliott wildlife corridors so long as wildlife movement is not precluded through more than one of the three corridors of Spring, Oak and Quail Canyons.

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**4.4. TRAFFIC CIRCULATION**

**Impacts of Project on Santee Roadways**

On Page 4.4-1, the Draft EIR states that the "majority of the project-related traffic is anticipated to affect City of San Diego roadways and Caltrans freeways" while "a small proportion of project traffic would utilize City of Santee roadways". This comment understates the significant traffic impacts that the Project would have on Santee roadways, which the proposed mitigation measures fail to reduce to a less than significant level. The Santee/San Diego street system in the Project area includes Mast Boulevard (Major Road), West Hills Parkway (Major Arterial), Fanita Parkway (unclassified), Carlton Hills Boulevard (Major Street), and Cuyamaca Street (Major Street) – all of which primarily serve property within Santee's jurisdiction and the Landfill. Moreover, the Project's traffic impacts will result in failing levels of service in the vicinity of the Mast / SR 52 interchange, which serves a large portion of Santee's residences. These impacts to Santee must be accurately described to fully inform the decision makers of the Project's impacts.

L4-64

**Project Traffic Distribution & Assignment**

On Page 4.4-3, the traffic analysis indicates that the existing trip distribution for the Landfill includes 15% of Landfill traffic on Mast Boulevard east of the Landfill. However, the future distribution assigns 3% of the Landfill traffic to Mast Boulevard, which results in a decrease from the existing trip count. This is not realistic given future local development that will occur east of the Landfill that will generate additional waste, including Fanita Ranch and Castlerock.

L4-65

**Flawed Methodology – Exclusion of Non-Municipal Solid Waste Trips**

As explained on Pages 4.4-3 and 4.4-4 of the Draft EIR, the traffic analysis for the Project is based upon trip generation assumptions formed on a site-specific methodology developed to establish a relationship between tickets issued at the Landfill and Landfill traffic. Impacts were analyzed using a baseline of traffic data collected in 2003. The traffic analysis should be revised using current baseline traffic data and the ticket/traffic relationship should be evaluated with current data to confirm or refute the validity of the site-specific methodology. Until the data is updated, the methodology is suspect.

L4-66

Even assuming, for the sake of argument, that the methodology used is appropriate, the Draft EIR is fatally flawed in that it underestimates trip generation from the Landfill by as much as 32%. The Sycamore Landfill Master Plan Expansion Traffic Impact Analysis conducted by Linscott, Law & Greenspan (Appendices D1 and D2) indicates that "all of

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**Response to Comment L4-64:**

The Sycamore Landfill expansion is regional-serving. The site is located adjacent to SR-52, which serves the region. The site's driveway is the first signalized intersection north of the SR-52 interchange. The applicant has provided input based on future waste demands that confirm a regional distribution of traffic. Regional growth is expected to outpace local, internal growth in Santee, supporting the conclusion that distribution would be oriented to the adjacent freeway through the adjacent interchange. It also is important to note that the traffic study and EIR both addressed Project-related impacts to roads within the jurisdiction of the City of Santee.

**Response to Comment L4-65:**

The increase in landfill daily tonnage is expected to be primarily due to regional growth and the closure of Miramar Landfill. Those trips would be coming from SR-52. Santee's contribution is not expected to grow at the same rate as the increase in tonnage, and thus traffic from the direction of Santee is not expected to grow proportionately. Therefore, in the future, distribution to/from Santee would be expected to be a lower percentage of the total when compared to existing distribution numbers.

**Response to Comment L4-66:**

The site-specific trip generation is based on linear growth of the measured, empirical relationship of tickets to truck trips, plus recycled materials, as shown in Table 3.2-4. Those ADTs include all traffic to come to the landfill, as detailed in EIR Tables 3.2-3 and 3.2-4.

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the future trip generation calculations are based on the existing relationship of tickets to driveway volumes as observed on January 9, 2003. The Landfill counts traffic entering its property by issuing a "ticket" to any vehicle arriving at the site carrying material to be deposited at the Landfill, including waste as well as green and other materials for recycling (emphasis added). The study concludes that "in order to calculate future project traffic volumes, the proposed future operations must be understood in terms of tickets to compare to the existing data." This is calculated on the following Project Description:

- Near-term (Year 2007) = 6,800 tons/day
- Interim (Year 2010) = 9,400 tons/day
- Long-term (Year 2025) = 13,000 tons/day.

The traffic study assumed that the near-term, interim and long-term tonnages included all waste entering the Landfill. However, the Draft EIR reveals that the tonnages assumed in the traffic study represent only the Project's MSW, excluding imported base material, greens, C&D, Class B biosolids, and other recyclables from the analysis. The Draft EIR indicates that the Project's Requested Daily Tonnage Limits are:

- Near-term (6,800 tons/day MSW) = 9,000 tons/day
- Interim (9,400 tons/day MSW) = 11,900 tons/day
- Long-term (13,000 tons/day MSW) = 16,700 tons/day

The traffic analysis for the Project is deficient in that it only includes impact analysis for the trucks that would carry MSW. This flaw in the traffic study must be revised, the traffic study must be redone, and the Draft EIR must be re-circulated for review.

**Consideration of Excavation of Materials in Traffic Analysis**

Further, on Page 3-7, the Draft EIR states that the Project will result in the excavation of 35-40 mcy of native materials in order to construct disposal cells, some of which will be exported. The traffic analysis in Section 4.4 of the Draft must adequately consider the traffic and circulation impacts of transporting this material off-site.

**Consideration of Recyclable Materials in Traffic Analysis**

On Page 3-20, the Draft EIR states that recyclable materials, waste auto oil and auto batteries, appliances, and electronics would be transported off-site. The traffic analysis

L4-66  
(cont'd.)

L4-67

L4-68

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**Response to Comment L4-67:**

See Table 3.2-4 in EIR Section 3.2.2.3, which demonstrates that the traffic study accounts for all traffic and circulation impacts of transporting exported material.

**Response to Comment L4-68:**

Table 3.2-4 in EIR Section 3.2.2.3 shows the vehicle trips for the various waste streams, including recyclables. Periodic removal of recyclable materials, waste automotive oil and batteries, appliances, and electronics are covered under the trips listed in column 16 of that table.

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should also adequately consider any traffic impacts that will result from increased recyclables accepted at the Landfill as a result of the Project. L4-68  
(cont'd.)

**Mitigation Measure - Daily Tonnage Limits Should Be Decreased**

The Draft EIR must recognize that the significant traffic impacts are not caused by the Project increasing the capacity of the Landfill. Rather, they are the result of not limiting the Landfill's daily operations to that which can be served by the surrounding transportation system. The Draft EIR should either be revised so that the daily tonnage limits proposed in the Project Description are minimized to an amount that would reduce traffic impacts to a less than significant level or it must incorporate such reduction as mitigation measures for the Project's traffic, noise, and odor impacts. L4-69

**Insufficient Mitigation Measures - Transportation Demand Management Plan**

On Page 4.4-31, the Draft EIR assumes there are unavoidable, significant traffic impacts and identifies implementation of a Transportation Demand Management Plan (TDMP) as a means to reduce traffic impacts during peak hours. Mitigation Measure 4.4.5d states that prior to first expansion (maximum of 1,250 tickets/3,040 average daily trips (ADT)), SLI will monitor and report the tickets as required by Mitigation Measure 4.4.5b. However, if peak-period tickets exceed the levels set forth in Mitigation Measure 4.4.5c more than 5% of the time in a given month, SLI must implement TDMP measures such as reducing deliveries by vendors during a.m. and/or p.m. peak periods. L4-70

The Draft EIR further states that actions to reduce Landfill peak-period traffic include convening a meeting of the TDMP Committee to consider other possible traffic management measures. Examples of these measures include a provision encouraging the incorporation of price incentives in all franchise agreement with haulers of solid waste that may use the Landfill, a provision encouraging off-peak trips, a provision requiring SLI to offer in its own hauling agreements incentives designated to encourage off-peak trips, and a review of pricing structures at the Landfill that discourage peak hour trips. The analysis concludes that maintaining peak hour traffic at or below current allowed limits, as would occur if SLI effectively implements Mitigation Measure 4.4.5d, would "fully mitigate" all peak hour impacts to SR-52 but that impacts will continue to be considered significant and not fully mitigated because SLI cannot control when vehicles arrive at the Landfill.

Mitigation measure 4.4.5d includes "convene meeting of the TDMP Committee to consider other possible traffic management issues. The consideration of traffic management issues by the TDMP Committee is not a valid mitigation measure. Rather, it is just a discussion of impacts. For this measure to adequately address traffic impacts, the TDMP Committee would need to consider other traffic management tools and have the authority to require their implementation. While the proposed TDMP

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**Response to Comment L4-69:**

CEQA does not require that a Project be revised to eliminate all significant impacts, but rather that it disclose all significant impacts that may result from the Project and all feasible mitigation measures and a reasonable range of Project alternatives that can reduce those impacts. It is then up to the decision-maker to balance the impacts with the benefits of the Project and determine whether or not the Project should be approved. See Responses to Comments L4-4 and L4-5, which further explain why reducing daily tonnage is not a feasible mitigation measure given the demonstrated regional need for the proposed daily acceptance capacity, and why a reduced daily tonnage scenario is not an alternative to the Project but rather a subset of the Project.

**Response to Comment L4-70:**

MM 4.4.5d establishes the TDM Committee. The EIR recognizes that the TDM Committee may not be able to fully reduce the significant traffic impacts. The measure is a valid mitigation measure, because it has the potential to reduce traffic impacts.

This comment recommends providing the TDM Committee with the power to require SLI to implement specific measures beyond those identified in the EIR to further limit traffic during peak times if necessary to reduce future year significant and unmitigable traffic impacts to SR-52 and the southbound Mast Boulevard to westbound SR-52 onramps. If the applicant had the ability to completely control trips to the landfill, a TDM measure could fully mitigate traffic impacts. However, the applicant does not have the ability to completely control trips, ultimately all it can do is close the gate. The loaded vehicles would still show up and leave or wait as described by the City of Santee, so there would be no reduction in traffic. However, if the gate were closed, the vehicles could decide to dump their loads illegally, with associated public health and other issues.

In the past, the Applicant has successfully addressed the issue of trucks arriving early before the landfill opened and parking on nearby streets. It is anticipated they would continue to work cooperatively with Santee and the City of San Diego. This would be another issue the TDM Committee could discuss. The TDM Plan approach required by MM 4.4.5d has the ability to avoid the impacts of ticketed trips trying to evade the TDM Plan, as described in this comment by the City of Santee. In fact, it is unforeseeable impacts such as those expressed by Santee that make it infeasible to guarantee that the TDM Plan would be 100% effective.

Santee's comment does not identify any specific physical improvements that would reduce identified significant and unmitigable impacts.

See also Response to Comment L4-5.

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(Mitigation Measure 4.4.5d) could potentially reduce the Project's traffic impacts, the TDMP should not be relied upon alone to reduce the Project's traffic impacts. As acknowledged in the Draft EIR, there is no guarantee the measures will be effective.

If a TDMP is to be successful, it should include specific implementation steps and include enforcement provisions should established trip reduction targets not be met. At a minimum, mitigation measures should be imposed on SLI requiring it to implement all necessary TDMP measures determined by the TDMP Committee that would reduce traffic impacts on SR-52 prior to any expansion of permitted daily tickets/trips, even if the traffic impacts will not be fully mitigated.

L4-70  
(cont'd.)

The Draft EIR should also note that even if the TDM mitigation measure were effective to reduce peak hour tickets, the TDMP would likely result in creating traffic impacts on the surrounding local streets and SR-52 as trucks arrive at Sycamore Landfill but avoid entering the gates. The likelihood of these impacts is high given that the TDMP has a stated goal of minimizing ticket activity during the five peak weekday traffic hours (2 a.m. peak hours, 3 p.m. peak hours). Truck drivers attempting to avoid these peak period gate arrivals would try to anticipate trip times for appropriate arrivals. Given the unpredictable nature of traffic in gridlock conditions, they will often still arrive within the peak traffic hours. A truly effective TDM program tracked by tickets would make it more desirable for the driver to wait nearby than to enter during the peak traffic period. This behavior would lead to further impacts on the local street system and SR-52. These potential impacts should be addressed in the Draft EIR and mitigation identified, possibly funded through fee/penalties generated through the TDM program to fund traffic improvements/operations for Santee and Caltrans.

The Draft EIR concludes that there are no feasible measures for avoiding significant traffic impacts if the TDMP program is unsuccessful. This conclusion incorrectly assumes that the traffic impacts are unavoidable. Even with implementation of TDMP measures, physical traffic improvements would most likely be necessary to reduce traffic impacts to a less than significant level. Again, the most feasible and environmentally superior approach to addressing the Project's traffic impacts is avoidance. The significant traffic impacts are not caused by the Project increasing the capacity of the Landfill. Rather, they are the result of not limiting the Landfill's daily operation to that which can be served by the surrounding transportation system. A reduced operations project alternative or mitigation measure would reduce traffic impacts to a less than significant level and reduce air quality and odor impacts without impacting the capacity of the Project.

**Mitigation Measures – Physical Improvements to SR 52**

Mitigation measures 4.4.2 and 4.4.5a (fair share payment for highway improvements) do not automatically mitigate the impacts for which they were developed. CEQA defines

L4-71

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**Response to Comment L4-71:**

MM 4.4.2 provides for fair share contributions; MM 4.4.5a requires that the landfill not expand to 2,150 tickets per day until completion of the Caltrans Managed Lanes Project is assured. The EIR text above MM 4.4.2 (EIR Section 4.4.2.4 B) states that, "until such a Project has been constructed and is opened, a significant Project-related cumulative traffic impact would remain." As MM 4.4-5a indicates, the Project is proposed to be phased relative to proposed or projected transportation facility improvements.

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a "[f]easible" mitigation measure as one that is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Resources Code, § 21061.1; see also Guidelines, § 15364.) In short, "a commitment to pay fees without any evidence that mitigation will actually occur is inadequate." (*City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341, 365 [citations]). The impacts will be significant until the Caltrans improvements are completed. The Project's daily tonnage limits and permissible tickets should be phased to limit increases in Landfill operations until the freeway improvements are complete.

L4-71  
(cont'd.)

**Mitigation Measures - TDMP Committee**

The TDMP Committee referred to in Mitigation Measure 4.4.5d must adequately represent the interests of Santee, San Diego, Caltrans, Padre Dam Municipal Water District and SLI. The Draft EIR is vague as to what Santee's role and authority would be on the TDMP Committee. A "unanimous" decision of the TDMP Committee should not be required before additional TDM measures can be implemented to reduce traffic on SR-52. At a minimum, the TDMP Committee must be given authority to impose mitigation measures selected from the identified options by a majority vote.

L4-72

**Mitigation Measures -Physical Improvements to Westbound SR 52 Ramp**

Mitigation Measure 4.4.5d also identifies potential improvements that would address the Project's impact to the westbound SR-52 ramp but does not include them as a mitigation measure because "Caltrans typically does not allow such measures in their facilities". The Draft EIR should include a mitigation measure requiring SLI to commit to working with Caltrans to widen the westbound SR-52 ramp to allow for free westbound right-turn movements or triple right-turn movements and to be responsible for these improvements should Caltrans determine that they would be appropriate at a later date.

L4-73

**4.6. NOISE**

**Methodology - CNEL/SENEL Analysis**

The methodology used to perform the analysis of the Project's noise impacts is flawed. As discussed on Pages 4.6-1, 8, 16, and 26 of the Draft EIR, the noise analysis uses the Community Noise Equivalent Level (CNEL) to measure the Project's noise impacts. CNEL is a 24-hour, time-weighted average, obtained after the addition of five decibels (dB) (a logarithmic unit of sound energy intensity) to sound levels occurring between the hours of 7:00 p.m. and 10:00 p.m. and 10 dB to sound levels occurring between 10:00 p.m. and 7:00 a.m. The CNEL calculates the total sound exposure, in decibels, at a given location and then divides the total by 24 hours to derive an average. However, an

L4-74

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**Response to Comment L4-72:**

Santee would be an equal partner on the TDM Committee. The TDM Committee would have the authority to impose reasonable mitigation, based on the nature of the impact and the feasibility of the mitigation. See also Response to Comment L4-70.

**Response to Comment L4-73:**

The Project does not have a significant impact to the SR-52 Westbound on-ramp. The significant impact is to the intersection of westbound Mast Boulevard and the westbound SR-52 on-ramp. Mitigation for this impact could be a free right turn for westbound traffic on Mast Boulevard or three right-turn-lanes. Because Caltrans does not allow these improvements, this impact remains significant and unmitigated.

**Response to Comment L4-74:**

See Response to Comment L4-13.

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(cont'd.)

EIR's use of the CNEL standard alone may mischaracterize the actual effect of a Project's noise impacts on nearby sensitive receptors such as Santee residents.

L4-74  
(cont'd.)

As such, the Draft EIR's noise analysis is flawed because it fails to provide, in addition to the CNEL analysis, the most fundamental information about the Project's noise impacts - specifically the number of additional truck trips that will occur as a result of the Project, the frequency of those trips, and their effect on sleep. (See Berkeley Jets, 91 Cal.App.4th at p.1377.) An analysis of a Project's impact on sleep is critical to enable nearby Santee residents to understand how the Project will affect their lives. (Ibid.) According to Berkeley Jets, "[t]he probability of being repeatedly awakened by multiple single-event sounds can be calculated, given sufficient data" (Id. at p. 1382.) Thus, the Draft EIR should include a Single Event Noise Exposure Level (SENEL) descriptor in addition to the CNEL.

**Noise Regulations**

The Project is proposing to rezone the Landfill site to an industrial zone from the current residential zone. As discussed on Page 4.6-2, this change allows the Landfill to operate at a higher arithmetic average of noise levels on the boundary of an industrial and residential zone instead of the current residential zone boundaries. The Draft EIR is using this rezone as the baseline for the measurements when analyzing the Project's impacts on Santee, with a 60dBA CNEL as the maximum permitted level. The current residential zoning of the Landfill and the adjacent residential properties within Santee would apply a noise level of 50 dBA, in which the Draft EIR should analyze the impacts on Santee residents. As such, the following statement on Page 4.6-7 is inaccurate: "The applicable limit for residential land uses for residential land uses from the transportation sources operating on public roads is 60 dBA CNEL."

L4-75

**Mitigation Measures to Reduce Impacts on Sensitive Receptors**

On Page 4.6-2, the Draft EIR states that the nearest existing noise-sensitive receptors of the Project are single-family homes within Santee, approximately 240 feet southeast of the center of the Mast Boulevard/West Hills Parkway intersection. Impacts 4.6.1a through 4.6.1d are a result of the grading, landfill operations, and traffic. The noise impacts are mitigated to a level below significance by incorporating Mitigation Measures 4.6.1a through 4.6.1d and 4.6.2, which include constructing a 15-20 foot berm to mitigate sound impacts to sensitive receptors and prohibiting operations within 200 feet of the nearest residential parcel.

L4-76

In addition, Mitigation Measure 4.6.2 provides mitigation for future developments that would be impacted by noise (i.e. Castlerock). The measure states that SLI will be financially responsible for implementing any future mitigation that may result from future projects impacted by noise related to the activities within the Landfill. However, the

L4-77

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**Response to Comment L4-75:**

The baseline noise analyzed was and is the existing ambient noise levels at the site, not the allowable levels under the proposed zone. As shown in column 1 of EIR Table 4.6-4, ambient noise levels at cross-sections D, E and F, the ones closest to Santee, would have ambient noise levels of 41/41/35 dBA Leq, for daytime, evening and nighttime noise levels, respectively. Noise levels resulting from development and operation of the proposed landfill, at the landfill boundary at cross-sections D, E and F, with no mitigation, are shown in column 4 of Table 4.6-4. Those levels are projected to be 72.2, 76.1 and 67.1 dBA Leq, respectively. Finally, column 7 of the same table shows the noise levels at the site boundary at maximum operations with implementation of noise/visual barrier berms, as described in MM 4.6.0. The resultant noise levels at the three cross-sections would be 54.5, 56.8, and 54.0 dBA Leq respectively, which, although greater than the existing conditions, is within the allowable noise limits. The commenter is concerned about projected noise levels at Santee residential areas, which are located 4,600 feet, 4,000 feet, and 4,000 feet respectively, from the cross-section locations used in the analysis. At those distances, the projected noise levels would diminish to 34.3, 41.8 and 22.5 dBA Leq, respectively (source, Gordon Bricken, 8/2/108). These levels are far lower than any applicable standards for nighttime noise levels in residential areas. Please refer to the discussion in Chapter 4.6 of the EIR.

**Response to Comment L4-76:**

Comment noted. This comment does not address the accuracy or adequacy of the EIR; therefore, no response is necessary.

**Response to Comment L4-77:**

MM 4.6.2 provides for mitigation of potential traffic noise impacts for residentially zoned lands adjacent to the existing and future landfill access road. MM 4.6.2 is included in the MMRP and would be enforced by the City of San Diego. The potential impact has been recognized in the EIR, and a commitment by SLI is made therein to fully mitigate the potential impact if it occurs in the future.

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mitigation measure should also identify what mechanisms or assurances will be in place in the future to ensure that SLI will mitigate these future impacts.

L4-77  
(cont'd.)

The Project should also incorporate mitigation measures to mitigate any significant noise impacts indicated from the SENEL analysis. For example, beeping alarms associated with trucks reversing on site might be heard during early morning hours, should the Landfill receive transfer trucks at 2 a.m. The Landfill design must include adequate turn-around for such trucks to minimize back-up occurrences. Also, trash-moving equipment (such as dozers) should be equipped with flashing lights rather than the beep alarms, subject to OSHA compliance.

L4-78

Also, the impacts associated with the construction of the noise berms needs to be mitigated. On Page 4.6-18, the Draft EIR states that SLI will ensure that the berm construction will comply with San Diego's noise ordinance, but it does not identify any mitigation measures. Such mitigation measures are required before the impacts can be considered mitigated to a less than significant level.

L4-79

**Truck Noise Impacts**

On Pages 4.6-20 and 4.6-26 of the Draft EIR, the noise analysis should indicate whether it has considered average daily trips from trucks delivering non-MSW and aggregate waste collected such as greens, C&D, and recyclables to the Landfill (See also Table 4.6-8). As with the traffic analysis in Section 4.5, the noise analysis should consider these impacts as well. In addition, the noise analysis should be reconsidered in order to accurately describe the impacts of increased vehicle trips on Santee streets.

L4-80

**4.7. AIR QUALITY/ODOR**

**Methodology - Failure to Adequately Consider Biosolids**

The Draft EIR's air emissions analysis conducted in 2004 assumed that the type and nature of the waste accepted at the landfill would not appreciably change over the life of the facility. This assumption and the subsequent analysis in the Draft EIR is flawed in that the Project would add biosolids and composting waste to the Landfill facility resulting in a higher percentage of organic waste. Also, the technical appendix G indicates that the Project data input into the Landfill Gas Generation Model underestimated the waste stream and cumulative waste of the Project. The appendix assumes a cumulative waste of 124.6 mcy with the Landfill closing in 2033. The Project proposes a cumulative waste of 157 mcy with the Landfill closure in 2028. The air emissions analysis should be recalculated using the correct Project data, and the Draft EIR must be re-circulated after the analysis is corrected.

L4-81

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**Response to Comment L4-78:**

The noise analysis, using CNEL, includes noise operating sources, such as truck alarms. The Project mitigates all significant noise impacts indicated from the single event noise equivalent level (SENEL) analysis. Because such noise is included in the CNEL analysis, the City of San Diego does not use SENEL by itself as a measure of noise impact.

OSHA does not allow use of flashing lights as a substitute for back-up alarms.

**Response to Comment L4-79:**

Compliance with existing laws and regulations does not require additional mitigation measures because it precludes an impact from occurring.

The berm construction is governed by the City of San Diego's Noise Ordinance and the feasible mitigation measure (MM 4.3.4) imposed is discussed in EIR Chapter 4.3, page 4.3-29.

**Response to Comment L4-80:**

The noise analysis considered trips from all waste streams. See EIR Appendix E1.

**Response to Comment L4-81:**

The base air quality analysis was done for 40 mcy. The analysis assumed the Project would have a capacity of 178 mcy, which equals 124.6 tons (not cubic yards). Given that the Project analysis assumes 178 mcy and the request is for only 157 mcy, the EIR's analysis was conservative. See also Responses to Comments L4-12, L4-37 and L2-7.



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**Gas Collection**

On Page 4.7-10, the Draft EIR states that 90% or more of the generated gas at the Landfill is collected and destroyed in a flare or transformed to electricity in an energy generation facility (turbines). As noted on Page 4.7-13, "it is generally accepted by the USEPA that collection efficiencies of more than 75% are typical in operating landfills with gas collection and control systems". The Draft EIR should indicate the basis for the 90% or more collection rate established for the Landfill, since it is significantly higher than the USEPA's standard.

L4-82

**Air Quality Thresholds for PM<sub>2.5</sub>**

On Page 4.7-21, the Draft EIR states that on October 6, 2006's SCAQMD adopted regional PM<sub>2.5</sub> significance thresholds for the purpose of analyzing regional PM<sub>2.5</sub> air quality impacts in CEQA air quality analyses. The SCAQMD PM<sub>2.5</sub> regional significance threshold is based on the September 8, 2005 EPA proposal published in the Federal Register, "Proposed Rule to Implement the Fine Particle National Ambient Air Quality Standards". The rule proposed a significant emission rate for PM<sub>2.5</sub> for the purpose of New Sources Review of 10 tons per year. Converting the annual rate, 10 tons, into a daily rate produces a daily emission rate of approximately 55 pounds per day. The Draft EIR concludes that because EPA's proposal had not been promulgated and because the threshold is based on stationary sources thresholds as opposed to regional emissions modeling, it was not required to analyze the Project under this threshold.

L4-83

However, on September 21, 2006, EPA issued the strongest national air quality standards for particle pollution in the country's history that took effect on December 18, 2006. EPA has substantially strengthened the primary 24-hour fine particle standard, lowering it from the current level of 65 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) to 35  $\mu\text{g}/\text{m}^3$ . The air quality impact analysis with respect to PM<sub>2.5</sub> should be revised in order to reflect this new standard. It is particularly important to use the most updated standard given the lengthy term of the Project and the long-term air quality impacts to Santee residents.

**CO Hot Spots Evaluation**

On Page 4.7-29 of the Draft EIR, the vehicle emissions analysis selected the intersection of West Hills Parkway and Mast Boulevard as the Hot Spot to represent the worst case analysis. The on-ramp to westbound SR-52 adjacent to the Landfill would better represent a worst case scenario. This location will experience delays of up to 8 minutes and a queue length of up to 7,850 feet, which would queue through the intersection of West Hills Parkway and Mast Boulevard (the resultant delays and Hot Spot impacts of this queuing through the intersection are not accounted for in the traffic analysis).

L4-84

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**Response to Comment L4-82:**

The 75% capture efficiency value presented above is from the USEPA AP-42 regulatory reference for estimating landfill gas emissions from landfills. AP-42 notes that there is a range of potential emissions factors, as "gas collection systems are not 100 percent efficient in collecting landfill gas." The document, written in 1998, states that "reported collection efficiencies typically range from 60 to 85 percent, with an average of 75 percent most commonly assumed." However, the document goes on to note that "higher collection efficiencies may be achieved at some site (i.e., those engineered to control gas emissions)." A study conducted by the Solid Waste Association of North America (SWANA) indicated that field-based measurements resulted in an average landfill gas collection efficiency of over 90%.<sup>1</sup> The Project for the Sycamore Canyon Landfill would be wholly engineered to collect landfill gas. In addition, all new footprints of the landfill would be lined. As a result, it is reasonable, consistent with AP-42 and the SWANA reference, to assume a 90% collection efficiency for the waste that would be landfilled as a result of the Proposed Master Plan Development.

**Response to Comment L4-83:**

Although inadvertently omitted from Table 4.7.3, the revised, lower 24-hour average NAAQS for PM<sub>2.5</sub> was used as the basis of comparison for the modeled impacts. See the revised Table 4.7.3, on the following page.

**Response to Comment L4-84:**

As discussed in Tables 4.7-9a and 4.7-9b of the EIR, the air quality analysis addressed the potential CO hotspot issue at the nearest intersection to the residential area located near Mast Boulevard and West Hill Parkway, and found that CO emission levels would not be significant at sensors 50 feet from that intersection under peak landfill operating conditions (estimated 2,600 tickets per day). That intersection is located within 200 feet of several homes, and is projected to carry 5,921 vehicles per hour during the a.m. peak hour. The next closest intersection, at Mast Boulevard and the westbound SR-52 ramps, is located 800 feet from the residences and would carry 4,948 vehicles per hour during the a.m. peak hour. Since no significant impact was found at the intersection that is closer and has higher traffic, no significant impact is expected at intersections that are farther away and have less traffic. Further, with the turnover of older vehicles, introduction of cleaner fuels and implementation of control technology on industrial facilities, CO concentrations in the San Diego Air Quality Management District (SDAPCD) District have steadily declined. Because the APCD has been in attainment of CO, there is no detailed analysis of CO in the APCD that can be used to qualitatively evaluate potential CO hot spots at this intersection.

<sup>1</sup> Solid Waste Association of North America (SWANA). 2007. Landfill Gas Collection System Efficiencies.

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Response to Comment L4-84: (cont'd.)

However, the analysis prepared for CO attainment in the South Coast Air Quality Management District (SCAQMD) can be used to assist in evaluating the potential for CO exceedances in the SDAPCD. CO attainment was thoroughly analyzed as part of the SCAQMD 2003 and 1992 Air Quality Management Plans (AQMPs). As discussed in the 1992 CO AQMP, peak carbon monoxide concentrations in that basin are due to unusual meteorological and topographical conditions, and not due to the impact of particular intersections. Even so, and even considering those unique meteorological conditions, due to the increasingly stringent CO emissions standards, CO modeling was performed as part of SCAQMD's 2003 AQMP at the four busiest intersections in Los Angeles at the worst case time with the highest peak morning and afternoon traffic failed to yield a violation of CO standards. These intersections are: Long Beach Blvd. and Imperial Highway (Lynwood); Wilshire Blvd. and Veteran Ave. (Westwood); Sunset Blvd. and Highland Ave. (Hollywood); and La Cienega Blvd. and Century Blvd. (Inglewood). At buildout of the Project, none of the intersections in the Project area would have peak hour traffic volumes that exceed those at the intersections modeled in the SCAQMD AQMP, nor would there be any unique reason to believe that they would yield higher CO concentrations if modeled in detail.

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**Carbon Monoxide Impacts**

The Executive Summary states that "a formal traffic study was conducted and demonstrated that with implementation of the proposed mitigation, there would be no significant impact to the level of service at any intersection or along any road segment due to the project. Therefore, no significant carbon monoxide concentration impact would occur to localized sensitive receptors due to degraded traffic conditions." This is not a correct statement. There are significant unmitigated local traffic impacts. These impacts are only mitigated if the proposed TDMP is successful, and no enforcement mechanisms are included in the mitigation measure to provide assurance of its success.

L4-85

**Mitigation Measures**

Mitigation Measure 4.7.1a requires SLI personnel to properly maintain engine-powered equipment per manufacturers' specifications and maintain logs demonstrating such maintenance has occurred. This measure is clearly insufficient in addressing air emissions impacts and merely represents good business practice for vehicle maintenance. A more appropriate mitigation measure would be for all Landfill equipment to meet or exceed the regulations currently under consideration by the California Air Resources Board for In-Use Off-Road Diesel Vehicles.

L4-86

In addition, Mitigation Measure 4.7.1h requires SLI to conduct quarterly monitoring of methane surface emissions to ensure there are no continued emissions greater than 500 ppm. There is no discussion of activities that would be required if such monitoring results indicated that the emissions had exceeded 500 ppm. Why does the measure use a standard of 500 ppm rather than the 200 ppm standard in the CARB Proposed Regulation Order (Version 1.0)? Why does the measure use a standard of quarterly monitoring rather than the monthly monitoring standard in the CARB Proposed Regulation Order (Version 1.0)? How does this monitoring program avoid health and safety impacts from migrating methane gas? The mitigation measure should include the Wellhead Requirements of the CARB Proposed Regulation Order (Version 1.0).

L4-87

Similarly, mitigation measure MM 4.7.1.i would require quarterly inspections of the Landfill cover to ensure the maximum amount of LFG is collected. There is no indication of how the determination would be made that the maximum amount of LFG was being collected or what steps would be required if the maximum amount was not being collected.

L4-88

Lastly, the Executive Summary states that mitigation measures for air emissions address visual impacts. There is no supporting documentation for this assessment.

L4-89

RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

**Response to Comment L4-85:**

The Executive Summary has been corrected to reflect the EIR text in Section 4.7.

**Response to Comment L4-86:**

On July 26, 2007, the California Air Resources Board (ARB) approved a regulation to reduce emissions from existing off-road diesel vehicles used in California in construction, mining, and other industries. In general, the regulation requires owners to modernize their fleets by replacing engines with newer, cleaner ones (repowering), replacing vehicles with newer vehicles equipped with cleaner engines, retiring older vehicles, or by applying exhaust retrofits that capture and destroy pollutants before they are emitted into the atmosphere. The fleet at the Sycamore Landfill Proposed Master Plan would comply with this new regulation, as required by law, with implementation of the Project.

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(continued)

## Response to Comment L4-86: (cont'd.)

Table 4.7-3  
California Federal Ambient Air Quality Standards

Pollutant	Average Time	California Standards <sup>(1)</sup>		Federal Standards <sup>(2)</sup>		
		Concentration <sup>(3)</sup>	Method <sup>(4)</sup>	Primary <sup>(5)</sup>	Secondary <sup>(6)</sup>	Method <sup>(7)</sup>
Ozone (O <sub>3</sub> )	1 Hour	0.09 ppm (180 ug/m <sup>3</sup> )	Ultraviolet Photometry	_____	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 ug/m <sup>3</sup> )		0.08 ppm (157 ug/m <sup>3</sup> ) <sup>(8)</sup>		
Respirable Particulate Matter (PM <sub>10</sub> )	24 Hour	50 ug/m <sup>3</sup>	Gravimetric or Beta Attenuation	150 ug/m <sup>3</sup>	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 ug/m <sup>3</sup>		_____		
Fine Particulate Matter (PM <sub>2.5</sub> )	24 Hour	No Separate State Standard		35 ug/m <sup>3</sup>	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 ug/m <sup>3</sup>	Gravimetric or Beta Attenuation	15 ug/m <sup>3</sup>		
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m <sup>3</sup> )	Non-dispersive Infrared Photometry (NDIR)	9 ppm (10 mg/m <sup>3</sup> )	None	Non-dispersive Infrared Photometry (NDIR)
	1 Hour	20 ppm (23 mg/m <sup>3</sup> )		35 ppm (40 mg/m <sup>3</sup> )		
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m <sup>3</sup> )		_____		
Nitrogen Dioxide (NO <sub>2</sub> )	Annual Arithmetic Mean	_____	Gas Phase Chemiluminescence	0.053 ppm (100 ug/m <sup>3</sup> )	Same as Primary Standard	Gas Phase Chemiluminescence
	1 Hour	0.25 ppm (470 ug/m <sup>3</sup> )		_____		
Lead <sup>(9)</sup>	30 Days Average	1.5 ug/m <sup>3</sup>	Atomic Absorption	_____	Same as Primary Standard	High Volume Sampler and Atomic Absorption
	Calendar Quarter	_____		1.5 ug/m <sup>3</sup>		
Sulfur Dioxide (SO <sub>2</sub> )	Annual Arithmetic Mean	_____	Ultraviolet Fluorescence	0.030 ppm (80 ug/m <sup>3</sup> )	_____	Spectrophotometry (Pararosaniline Method)
	24 Hour	0.04 ppm (105 ug/m <sup>3</sup> )		0.14 ppm (365 ug/m <sup>3</sup> )	_____	
	3 Hour	_____		_____	0.5 ppm (1300 ug/m <sup>3</sup> )	
	1 Hour	0.25 ppm (655 ug/m <sup>3</sup> )		_____	_____	
Visibility Reducing Particles	8 Hour	Extinction of coefficient of 0.23 per kilometer – visibility of ten miles or more (0.07 – 30 miles or more for Lake Tahoe) due to particles when relative humidity is less than 70 percent. Method: Beta Attenuation and Transmittance through Filter Tape.		No Federal Standards		
Sulfates	24 Hour	25 ug/m <sup>3</sup>	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 ug/m <sup>3</sup> )	Ultraviolet Fluorescence			
Vinyl Chloride <sup>9</sup>	24 Hour	0.01 ppm (26 ug/m <sup>3</sup> )	Gas Chromatography			

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(continued)

Response to Comment L4-86: (cont'd.)

Notes:

- (1) California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter – PM10, PM2.5, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equalled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- (2) National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24 hour standard concentration above 150 µg/m3 is equal to or less than one. For PM 2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact USEPA for further classification and current federal policies.
- (3) Concentrations expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25° C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25° C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- (4) Any equivalent procedure which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
- (5) National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
- (6) National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- (7) Reference method as described by the USEPA. An "equivalent method" of measurement may be used, but must have a "consistent relationship to the reference method" and must be approved by the USEPA.
- (8) The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementations of control measures at levels below the ambient concentrations specified for these pollutants.

Source: California Air Resources Board (11/10/06)

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RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

Response to Comment L4-87:

40 CFR 60.755 Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills, requires landfill operators to monitor quarterly for concentrations in excess of 500 parts per million (ppm) of methane over the landfill surface. This regulation is administered by the San Diego Air Pollution Control District under its Rule 59.1. If levels of methane in excess of 500 ppm are detected, the applicant assures that adequate cover thickness is applied in the area detected and repairs cracks, fissures and settling to reduce surface emissions or adjusts the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance. The location is re-monitored within 10 calendar days of detecting the exceedance and results are sent to the SDAPCD.

The 200 ppm referenced by the commenter appears to be referring to a draft regulation found at: [www.arb.ca.gov/cc/landfills/meetings/032408/draftregorder03-24-08.pdf](http://www.arb.ca.gov/cc/landfills/meetings/032408/draftregorder03-24-08.pdf) (dated March 20, 2008).

The website states, "Draft Proposed Regulation Order – For Discussion Purposes Only – Do Not Cite or Quote". This regulation is at the preliminary stages, and the California Air Resources Board (ARB) is expecting comments and working with stakeholders. If more stringent ARB regulations go into effect, Sycamore Landfill will be required to comply, but until such a time, it is speculative to conduct CEQA analysis based on the higher standard.

Response to Comment L4-88:

Methods to ensure that the maximum methane is collected are described in the implementing regulations to the New Source Performance Standards for Landfills, Subpart WWW, as described in the EIR.

Response to Comment L4-89:

Page ES-45 of the EIR has been corrected.

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Letter L4  
(cont'd.)

**Odor Significance Thresholds**

San Diego's policy is that "[f]or projects proposing placement of sensitive receptors near a source of odors where there is currently no nearby existing receptors, the determination of significance should be based on the distance and frequency at which odor complaints from the public have occurred in the vicinity of a similar odor source at another location." On Page 4.7-39, the Draft EIR notes that "[i]n 39 of the 40 months from September 2003 through January 2007, a total of 41 odor complaints were filed, an average of approximately one complaint per month, and an approximately 92 percent decrease from complaint levels in 2001 [SDAPCD and BRG Consulting, Inc, 2007]. However, the occurrence of odor issues with residents of Santee has not been completely eliminated." Clearly, the on-going complaints are a further determinant of the significance of odor impacts, even under the current baseline. These complaints will significantly increase given the major increase in daily tonnage limits and waste capacity that the Project proposes.

L4-90

**Odor Impacts from Greens Processing**

Odors resulting from greens processing are of particular concern to Santee because these have been the primary contributors to odor complaints from Santee residents living downwind from the Landfill. Complaints have been reduced after an Odor Management Plan (created in 2001) was implemented at the Landfill and the greens processing operation was moved further from downwind residences. The Draft EIR contains mitigation measures 4.7.3a through 4.7.3h, which includes updating the current Odor Management Plan. However the mitigation measures do not include the continued implementation of the Odor Management Plan. The Project should incorporate the existing Odor Management Plan (as discussed on Page 4.7-13), including the elimination of ground green material storage to avoid stockpiling. Under CEQA, "[m]itigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments." (Guidelines, § 15126.4, subd. (a)(2).) Further, the Project should incorporate a mitigation measure limiting the location of the greens processing operation to the westerly areas of the Landfill, as opposed to only a verbal commitment made by SLI. Without an enforceable mitigation measure, the impacts could remain unmitigated, even though a feasible mitigation measure exists.

L4-91

**Odors Impacts from Composting**

On Page 3-7 and 3-30, the Project Description includes composting as a potential future activity contingent upon further review to determine if additional CEQA analyses and permits are required. Even if the Draft EIR is intended to function as a program EIR for future composting operations, it should still adequately examine the impacts of composting activities. "A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively

L4-92

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**Response to Comment L4-90:**

As stated in the EIR, page 4.7-46, "Although implementation of Mitigation Measures 4.7.3a through 4.7.3f would substantially reduce the chance of green material and compost operations causing a nuisance, the potential for future odor incidents cannot be completely eliminated. Therefore, the impacts associated with the handling of green material and compost must be considered significant and unmitigable."

**Response to Comment L4-91:**

The current Odor Management Plan remains in force at the facility as a part of its Solid Waste Facility Permit; it has not been superseded. In addition, under MM 4.7.3g, the Plan would be annually updated as needed in the future to deal with changing conditions or procedures. It is anticipated that all of the proposed mitigation measures would be made legally enforceable conditions of approval by the City of San Diego. The regular reporting of odor complaints by SLI to the City of Santee, as contained in MM 4.7.3h, would result in ongoing City of Santee oversight, and would help to ensure that odor problems, once identified, are addressed and minimized by SLI.

Section 6.2.4 of Appendix G (Odor Assessment) discusses the principles of odor minimization at Composting Operations. The applicable elements of these principles would be incorporated into future odor impact management plans to minimize odor impacts from both the green material processing operations and future composting facility activities, if any are proposed and approved.

**Response to Comment L4-92:**

See Response to Comment L4-35.

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as possible." (Guidelines, § 15168, subd. (c)(5).) A program EIR can "[p]rovide on occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action." (Guidelines, § 15168, subd. (b)(1).)

L4-92  
(cont'd.)

Defeating the purpose of programmatic review under CEQA, the Draft EIR conducts no analysis of air quality or odor impacts from future composting activities, which would clearly be the most critical areas of potential impacts. The discussion of future composting should be deleted from the Project Description and a mitigation measure should be identified that composting activities would be prohibited and greens processing would be limited to that quantity needed for daily cover use at the Landfill.

**Odor Impacts from Hydrogen Sulfide**

Table 4.7-11 shows San Diego's Odor Recognition Threshold for Hydrogen Sulfide at .001 ppm with an Odor Complaint Threshold of .005 ppm. This threshold comes from San Diego's table as noted in Table 4.7-11's footnotes. All of the values in table 4.7-11 are American Industrial Hygiene Association ("AIHA") values, except for Hydrogen Sulfide for which the author chose to use the CHRIS value. The AIHA value for Hydrogen Sulfide would be .00007 ppm with an Odor Complaint Threshold of .00035 ppm. The Project maximum odor concentration of Hydrogen Sulfide is .0043605. It is inconsistent with CEQA to select a different standard for the one pollutant that would have a significant impact if the AIHA standard was used, while using the AIHA standards for all other pollutants.

L4-93

**Odor Impacts from Biosolids**

As noted in Section 2.3.1.1 of the Draft EIR, the Landfill is authorized under its existing SWFP to accept dewatered sewage sludge (biosolids), but to date biosolids have not been accepted. Under the Master Plan, the Landfill is "considering" accepting biosolids and combining them with ground-up greens to create an ADC acceptable to the LEA, which has been implemented at Otay Landfill for more than two years. Indeed, in October 2004, SLI and San Diego entered a First Amendment to the Facility Franchise Agreement extending SLI's rights for a five-year period to collect, transport, and dispose of approximately 130,000 Tons of biosolids generated from the Metro Wastewater Plant each year to the Landfill or the South Bay Landfill.

L4-94

The Draft EIR relies on the minimal odor complaint history at the Otay Landfill from SDACPD to conclude that the ongoing combination of biosolids and ground greens has not been a significant source of odors at the Otay Landfill and thus would not result in a significant odor impact if implemented at the Landfill. There is insufficient data to support this conclusion because, as the Draft EIR recognizes, odor complaints are generally received during calm wind conditions when there are no winds to disperse the odors. The Draft EIR mentions the frequency of calm wind conditions at the Otay

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**Response to Comment L4-93:**

The comment is incorrect. The 0.001 value for odor detection for hydrogen sulfide in Column 7 of Table 4.7-11 is, like the other values, from the AIHA source (see City of San Diego Significance Determination Thresholds, Table A-4). Thus, the AIHA standard was used for all pollutants.

**Response to Comment L4-94:**

The landfill is permitted to accept biosolids and has accepted them in the past. Page 3-32 of the Final EIR has been revised to reflect this fact. The comment misinterprets the conclusions of the EIR. Although the EIR provides evidence that, based on real-life experience at the Otay Landfill, odor would not be significant, the EIR nonetheless concludes that odor impacts are potentially significant and unmitigated, due to the difference in meteorological conditions between the two sites.



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Landfill and the Miramar Landfill, but it does not address the frequency of calm wind conditions at the Landfill. The discussion concludes that "[d]espite indications that biosolids/ground-up greens ADC likely would not result in substantial odor complaints, the meteorological conditions at the landfill are different from at Otay Landfill, and the absence of potential future ADC odors at Sycamore cannot be demonstrated."

L4-94  
(cont'd.)

This analysis is inadequate as there is no explanation for why comparison between odors at the Otay Landfill and the Landfill constitutes a sufficient methodology for measuring odors from biosolids and establishing significance thresholds. The Draft EIR should find an impact from biosolids odor and mitigation measures should be incorporated into the Project. Otherwise, the Project Description should be clear that biosolids are not included as part of the Project and will not be permitted.

**Mitigation Measures Incorporated into Construction Plans**

The mitigation measures for air quality and objectionable odors impacts are tied to construction permits through notes on grading plans. However, odor impacts will occur mainly from on-going Landfill operations. Therefore, the notes should be converted into mitigation measures imposed on the Project, both during construction and future operations.

L4-95

**Odor Impacts from Municipal Solid Waste**

The EIR discusses potential odor impacts associated with general disposal of MSW at the Landfill and identifies two measures for addressing these impacts: rapidly burying highly odorous loads of MSW and minimizing the MSW working face. However, these activities are not included as mitigation measures. Quantifiable operating parameters for these activities should be established and included as mitigation measures.

L4-96

**4.10. HYDROLOGY AND WATER QUALITY**

**Pump Station**

The proposed Final Grading Plan (Figure 3-5) shows a "Proposed Pump Station for Off-Site Drainage" but this feature is not identified within the Project Description in Chapter 3. This should be included in the Project Description and its impacts should be studied.

L4-97

**Drainage System**

The Draft EIR should provide complete details on the drainage facilities needed to convey the storm water away from the landfill. On Pages 4.10-22 and 4.10-23, the storm water run-off drainage system is partially described but locations of the drainage system as well as the location of the design are not described. The Draft EIR should

L4-98

**RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)**

**Response to Comment L4-95:**

The comment is incorrect. The odor mitigation measures, which are detailed in the MMRP, are timed to operations, not grading. See pp. 1.3-48 – 1.3-51 of the EIR. The requirement to comply with and to implement the listed mitigation measures would be required by the San Diego City Council as part of any decision to approve the Project.

**Response to Comment L4-96:**

The standard operating procedures for the landfill, which also are defined in the Sycamore Landfill's Odor Management Plan, address these issues. The compliance with the Odor Management Plan is mitigation measure MM 4.7.3g.

**Response to Comment L4-97:**

The Pump Station, which consists of three pumps, is required for the Project because a small watershed on MCAS Miramar property would contribute run-off to the landfill site following local precipitation. The Pump Station is located within an area previously permitted for disturbance under the Staged Development Plan, by PDP/SDP 40-0765. The Pump Station is part of the drainage system mentioned in page 3-35 of the EIR, shown in Figures 3-4 and 3-5, and addressed in the Hydrology chapter of the EIR (Ch. 4.10), and in detail in EIR Appendix P. No additional impacts beyond those addressed in MND 40-0765 would occur as a result of the Pump Station. All areas disturbed by the Pump Station and basin are located within lands owned by SLI. No impacts would occur to adjacent lands of MCAS Miramar. As shown in Appendix P, the Pump Station and basin are designed, by regulation, to deal with the 100-year storm in this vicinity. The maximum water level of the pond formed under that condition is 705 AMSL. This would keep the pond within SLI lands. The pumps at the Pump Station would pump the water from the pond to the access road and drainage channels on the landfill as it accumulates in the pond, from where it would flow to the Project detention basins south of the landfill. It is part of the surface water management structures listed on page 3-7. On page 3-19 of the EIR, the pump station is further described.

**Response to Comment L4-98:**

The drainage system is described on p. 3-19 and the location is shown on Figures 3-4 and 3-5. For more detail, Appendix P of the EIR titled "Landfill and Ancillary Facilities Drainage Analysis" contains detailed designs and calculations for storm water drainage facilities proposed by the Project. Surface water quality impacts are reviewed in the EIR in section 4.10.2.2 B, titled "Surface Water Quality Impacts," found on pages 4.10-16 through 4.10-20.

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provide specific details as to the location of the drainage system, and studied its impacts on water quality.

L4-98  
(cont'd.)

**Hydromodification**

On page 4.10-8, the discussion of surface water quantity does not fully address hydromodification. The discussion should indicate whether the post-Project runoff duration will exceed that of the pre-Project environmental setting. Hydromodification is a required element of new construction projects and is a feasible mitigation measure to address water quality and erosion.

L4-99

**Groundwater Quality**

On Page 4.10-25, the Draft EIR indicates that there will be no impact on ground water quality or recharge for wells in the vicinity of the Project. The Draft EIR should indicate whether the Padre Dam and Fanita Ranch wells are considered in this groundwater analysis, and what impacts, if any, may occur to the groundwater extracted from those wells.

L4-100

**Waste Discharge Requirements**

On Page 3-38, the Draft EIR states that the Landfill must receive revised Waste Discharge Requirements (WDRs) and approval from the RWQCB of construction plans prior to construction of the Project. The WDRs include conditions related to design, construction, and operation of the Landfill, as well as detailed specifications for the groundwater and surface water monitoring program. This should be incorporated as a mitigation measure.

L4-101

**Industrial Activities General Storm Water Permit / SWPPP**

On Page 3-40, the Draft EIR states that the Landfill will continue to be covered by the General Permit for Industrial Storm Water by continuing under the current NOI or under a revised NOI for the new Landfill facilities as required by the SWRCB. SLI will be required to file a NOI to be covered by the reissued General Permit once it is adopted. This should be incorporated as a mitigation measure.

L4-102

**San Diego County Municipal Storm Water Permit**

SLI will also have to obtain a City of San Diego stormwater permit under Section 43.0304 of the San Diego Municipal Code for construction of the new maintenance facility, scale facilities, administration/operations facility and associated improvements. The Draft EIR should discuss whether the Project complies with the San Diego County

L4-103

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**Response to Comment L4-99:**

The post-Project run-off does not exceed the pre-Project run-off, as discussed in the EIR in Section 4.10.2.2 A. Surface Water Quantity Impacts. There, the EIR states in part, "The proposed master plan development would have a total estimated discharge rate of 869 (565 + 304) cfs, at the SR-52 culvert downstream from the sedimentation basins. This storm water run-off rate does not exceed the 1,163 cfs of peak storm water that currently flows from the site to the S-52 culvert as result of the 100-year, 24-hour storm event." An extensive detailed analysis of the factors making up hydromodification can be found in Appendix P of the EIR and is in large part the reason for installation of sedimentation basins to limit run-off volume and control run-off water quality.

**Response to Comment L4-100:**

As stated on page 4.10-4, section 4.10.1.2 of the EIR, two water wells were identified within one mile of the Sycamore Landfill. Both of these wells were located upgradient of the Sycamore Landfill, however, and therefore would not be affected by the facility. As part of the process of preparing the EIR, Padre Dam was contacted concerning its wells, and those were included in the EIR's analysis. Fanita Ranch is located upgradient of the Project; therefore, its groundwater would not be affected by the Project.

**Response to Comment L4-101:**

Waste discharge requirements and RWQCB approval already are existing regulatory requirements, with which the facility must comply by law today. Adding it as a mitigation measure would be superfluous.

**Response to Comment L4-102:**

The City of San Diego Stormwater Permit is an existing regulatory requirement and one with which the facility must comply by law today. Adding it as a mitigation measure would be superfluous.

**Response to Comment L4-103:**

As the commenter states, the development of the ancillary facilities – the new maintenance facility, scale facilities, administration/operations facility and associated improvements – is subject to the City Stormwater requirements. The City of San Diego in turn is a co-permittee of the "CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION ORDER NO. R9-2007-0001 NPDES NO. CAS0108758 WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF URBAN RUN-OFF FROM THE MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) DRAINING THE WATERSHEDS OF THE COUNTY OF SAN DIEGO, THE INCORPORATED CITIES OF SAN DIEGO COUNTY, THE SAN DIEGO UNIFIED PORT DISTRICT, AND THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY" adopted January 24, 2007 by the RWQCB. As a result of this RWQCB order, the City of San Diego

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Response to Comment L4-103: (cont'd.)

adopted its Urban Run-off Management Program (SDURMP). As such, under this program the construction of the ancillary facilities of the Project would be considered a "Priority Development Project" and would be required to implement Low Impact Development BMPs which would collectively minimize directly connected impervious areas and promote infiltration. The development of these ancillary facilities would be subject to use of low impact development BMPs which are the City equivalent of the measures found in the County LID Handbook. These are found in the City's Standard Urban Storm Water Mitigation Plan (SUSMP) and Land Development Manual. The specific LID measures to be used would be a part of the storm water permitting for this facility.

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Municipal Storm Water Permit (SDCMSWP) (R9-2007-2001) requirements. Under the SDCMSWP, the Project would be considered a "High Priority" project because the project lies within 200 feet of an Environmentally Sensitive Area. High Priority projects are required to implement Low Impact Development (LID), Site Design BMPs, Source Control BMPs, and Treatment Control BMPs. The Draft EIR does not identify any LID measures that will be implemented as part of the Project. In addition, the Draft EIR does not discuss whether the Project complies with the County of San Diego Low Impact Development Handbook. These issues should be addressed.

L4-103  
(cont'd.)

**5.0. CUMULATIVE IMPACTS**

**5.2. Cumulative Projects**

In assessing the Project's air quality cumulative impacts, the Draft EIR should include a discussion of other proposed landfill projects in the County such as the Miramar Landfill increase, the Gregory Canyon Landfill, and the Campo Band of Kumeyaay Indians Landfill, given the significant air emissions produced by landfills.

L4-104

In addition, if the transmission line portion of the Project would facilitate the ENPEX project, the Draft EIR should discuss the Project's cumulative impacts in relation to the proposed ENPEX project located on MCAS Miramar land. In any event, the cumulative impacts analysis should discuss whether the ENPEX project should be included as a cumulative project.

L4-105

**5.3.6. Noise**

On Page 5-13, the Draft EIR concludes that no projects will be under construction during the construction of the ancillary facilities for the Landfill. The Draft EIR fails to explain the basis for its conclusion that the Castlerock project, located southeast of the Landfill within San Diego, will not be under construction at the same time as the Landfill ancillary facilities, nor does it consider the Fanita Project.

L4-106

**5.3.7. Air Quality**

Impact 5.4 states that odors resulting from the greens recycling operation will add to odors from other sources in the area. The Draft EIR should identify these other sources and their potential cumulative impact with the Project to adequately inform the public, agencies, and decision makers. The Draft EIR should propose feasible mitigation measures to address their cumulative impacts.

L4-107

**5.3.7.1. Greenhouse Gas (GHG) Emissions / Global Climate Change (GCC)**

The Draft EIR fails to adequately assess the Project's potential direct and cumulative impacts on GCC. State law (SB 97) is clear that GCC must be analyzed under CEQA,

L4-108

RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

**Response to Comment L4-104:**

Significant cumulative air quality effects were identified by comparing Project-related emissions to screening level thresholds adopted by SDAPCD and South Coast Air Quality Management District (SCAQMD) (EIR Tables 4.7-2a, 4.7-5b, and 4.7-6 on pages 4.7-22 and 4.7-23.) This methodology is independent of other Projects in the County. Therefore, there is no need to include a discussion of the other landfills or Projects in the County.

**Response to Comment L4-105:**

The transmission line relocation has no relationship to the proposed ENPEX Project. See Response to Comment L4-43.

**Response to Comment L4-106:**

Construction noise is governed by the City's noise ordinances, which allows noise up to 75 dBA from 7 a.m. to 7 p.m., Monday through Saturday, irrespective of what other construction is ongoing in the area. Moreover, the noise to be generated by the ancillary facility construction would not feasibly be loud enough to combine with noise from construction thousands of feet away in a manner that would create a significant impact.

**Response to Comment L4-107:**

Potential sources of odor in the Project vicinity, in addition to the Sycamore Landfill, include the equestrian area in Mission Trails Regional Park just south of SR-52, the sewer pump station near the intersection of SR-125 and SR-52, and the sewage treatment facilities associated with the Santee Lakes. As stated previously in the EIR, page 4.7-47, "No additional feasible mitigation measures, beyond those that are already used at the landfill, are known that would mitigate potential odor issues associated with regular landfill operations to a level less than significant. Depending on atmospheric conditions, landfill operation odors may potentially be detected off-site, at times.<sup>2</sup> There is no other mitigation the landfill could implement that would reduce cumulative odor impacts and this Project cannot mitigate for odors from other sources."

**Response to Comment L4-108:**

See Response to Comment L4-15.

<sup>2</sup> Appendix F4 provides a detailed, quantitative evaluation of GHG emissions from the baseline and Proposed Master Plan. It also discusses alternatives to landfilling, in general. In addition, it discusses the use of the landfill gas as a renewable energy source.

Comment  
Letter L4  
(cont'd.)

which would include a direct and cumulative impact analysis. An EIR must discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable. (Guidelines, § 15130.) "Cumulatively considerable" means the effects of past projects, the effects of other current projects, and the effects of probable future projects." (Guidelines, § 15065, subd. (a).)

L4-108  
(cont'd.)

On Page 5-18, the Draft EIR acknowledges that "[m]unicipal solid waste landfills are recognized as a substantial sources of GHGs, as decomposing waste emits both carbon dioxide and methane". Nevertheless, the Draft EIR does not even attempt to quantify the Project's GHG emissions, analyze the significance of their direct and cumulative impacts, or adopt feasible mitigation measures in violation of CEQA.

The Draft EIR takes a creative, yet fatally flawed approach, by concluding that the Project will actually have a positive effect with respect to addressing GCC. On Page 5-19, the Draft EIR reasons that "[b]ecause sequestration of organic carbon material...particularly the organic material that is used as alternative daily cover, the GHG emissions from the Sycamore Landfill, on peak year basis, and during the expansion operating period, are less than zero". This assertion lacks credibility. The Draft EIR acknowledges that waste decomposition is a major source of GHG emissions and then comes to the conclusion that the fourfold increase in landfill operations will result in less than zero GHG emissions. Thus, the Draft EIR seems to conclude that the answer to global warming is to create more waste.

The Draft EIR does not even attempt to quantify the Project's direct or cumulative contribution to GHGs. On Page 5-20, the Draft EIR reasons that CARB has not developed "de minimis" criteria establishing the level of GHG emissions that would be subject to emissions reduction measures and that the State has not developed a "significance threshold" by which an agency can determine whether or not impacts from GHG emissions from a particular proposed project are significant. Based on this rationale, the analysis concluded that "the most conservative approach is to conclude that any incremental contribution to the emissions of GHGs is considered cumulatively significant in inducing climate change." And yet the Draft EIR proposes no new mitigation measures to address GHG. The Project will rely on San Diego's recycling efforts, compliance with State regulations, standard vehicle maintenance, and the on-going power generation operation on-site. The Draft EIR reaches this less than zero GHG emissions conclusion because it fails to compare the Project's emissions to the environmental setting. Rather, it compares the increment between the Project's impacts to a hypothetical future state of the No Project alternative. Recent studies have indicated that GHG emissions from the landfill are substantially higher than prior estimates. In other words, the Project's actual GHG emissions must be analyzed, as opposed to a plan to plan analysis.

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The GCC analysis disregards the purpose of CEQA to adequately inform the public, decision makers, and interested agencies of the Project's impacts. The Draft EIR cannot simply take the "trash has to go somewhere" approach while dismissing the Project's impacts. The Project's environmental analysis must be site specific. The quantitative analysis of the generation of CO<sub>2</sub> through power production and flaring of LFG needs to be included in the Draft EIR, i.e., avoidance of the burning of fossil fuels at some other power plant may be the basis of the finding, but it does not discount the need to provide appropriate CEQA review. CEQA requires analysis, disclosure, and mitigation of significant environmental impacts of a Project. The effects must be analyzed and disclosed if they are reasonably foreseeable. (CEQA Guidelines, §§ 15144, 15145.) Indeed, the Attorney General has sent comment letters to over nineteen jurisdictions regarding their failure to consider and mitigate global warming impacts.

L4-108  
(cont'd.)

Even if a project complies with established local, state, or federal GHG emissions standards or requirements, this does not, in and of itself, relieve a lead agency from analyzing whether there is independent, substantial evidence that the project will have a significant impact under CEQA. Although local, state, or federal standards may not have definitively established thresholds for measuring a project's contribution to GHGs, CEQA does not define significant impacts simply in terms of whether a project would violate the law. (Berkeley Jets, 91 Cal.App.4th at p.1380.) An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. (Ibid.) For example, an activity which may not be significant in an urban area may be significant in a rural area." (Id. at pp. 1380-81, citing Guidelines, § 15064, subd. (b).) Thus, lead agencies must establish GHG thresholds in the absence of clear regulatory direction given that there is sound scientific basis for doing so, which the Draft EIR concedes (See Page 5-16).

Thus, the analysis of the Project's impacts on GCC should define GHGs emitted from the Project (i.e., carbon dioxide, methane, and nitrous oxide) and their sources. In fact, on Page 4.7-41, the air quality analysis (in discussing odors generated by the Landfill operations) states that individual compounds were measured from current emissions and were compared with the amount of landfill gas generated in order to determine the amount of released odorous compounds generated from the anaerobic processes at the Landfill. The analysis states that EPA's "LandGEM" Landfill Gas Generation Model was used to estimate the amount of Landfill gas generated at standard conditions as a result of the Landfill expansion. Details of the procedures and calculations used to determine the amount of emission are provided in Appendix D of the Odor Assessment. And yet, the Draft EIR fails to explain why it could not take this emission data and quantify GHG emissions within the context of global warming. The analysis needs to be redone with the correct cubic trash tonnages in the context of global warming impacts.

000158

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Letter L4  
(cont'd.)

Once the Project's GHGs emissions are established, the analysis should make a good faith effort to put forth as much information that exists regarding thresholds for comparison, rather than simply concluding the Project will have a significant impact. The Draft EIR should analyze whether the Project is consistent with proposed regulations to implement AB 32 as well as San Diego's Climate Action Plan. For example, it should discuss whether the Project is consistent with CARB's Draft Proposed Regulation Order for Methane Emissions from Municipal Solid Waste Landfills and whether the Landfill would be subject to the proposed gas collection and control system requirements in that order. The Draft EIR should also discuss whether the Project is consistent with the energy conservation measures found in Appendix F of the CEQA Guidelines.

Once the Project's GHG emission impacts are established, feasible mitigation measures must be incorporated into the Project such as use of renewable energy sources (in addition to the cogeneration facility), energy conservation measures, planting vegetation, vehicle trip reduction, waste reduction/reclamation, and compliance with ARB and Climate Action Team GHG emission reduction strategies (See also the Attorney General List of mitigation measures at [http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf)).

The Landfill is one of only five landfills in the County that accepts MSW. The Project will result in a significant expansion of its disposal capacity. To defer analysis and mitigation of GCC impacts to the future based on the premise that local, state, and federal regulatory bodies are in the process of establishing thresholds defeats CEQA and the state and nationwide effort to drastically curb GHG emissions.

#### 7.0, Effects Found Not to Be Significant

##### Public Services

A Public Services Section should be added to the Draft EIR (under Chapter 4 if the impacts could be considered significant) that considers the Project's impacts on Fire and Emergency Services, as further discussed above under Environmental Setting. San Diego must have the fire and emergency services capacity to serve the Project – i.e., it cannot rely on Santee providing those services. The Draft EIR should adequately analyze the impacts of San Diego's ability to service the Project within the required initial response times (no more than six minutes for fire and eight minutes for paramedic services). If the response time from Station 34 to the Project site is estimated to be 8.3 minutes and Station 34 does not have the ability to respond to a full first alarm assignment, then the Draft EIR should find that the Project will have a significant impact on Public Services. San Diego must either adopt feasible mitigation measures (such as a new service station or aid agreement with another jurisdiction) or overriding

L4-108  
(cont'd.)

L4-109

RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

Response to Comment L4-109:

In accordance with Sections 15126.2(a) and 15382 of the CEQA Guidelines, impacts related to public services are evaluated in light of whether the impact would result in a physical change in the environment (i.e., result in the need for a new police or fire station). Emergency response times, equipment and staffing are areas of great concern to the City; however, they are not physical changes in the environment, and therefore, are not analyzed in this EIR. While not a CEQA issue, emergency service issues are included as part of the permit findings that need to be made for the associated development permits. Information regarding these service levels is provided so that the City Council can make their decisions about whether to approve or deny the project, with a full understanding of the project's effect on these public services.

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(cont'd.)

considerations. Relying on the possibility of a "future" contract with Santee to provide fire services to the Landfill is insufficient. "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments." (Guidelines, § 15126.4, subd. (a)(2).)

L4-109  
(cont'd.)

**7.4, Energy**

The Draft EIR notes that because each cubic yard of excavated material can be replaced with up to four cubic yards of waste material, the Project is efficient relative to excavation energy use. This is irrelevant to efficient energy usage. The Draft EIR needs to identify those measures that will be taken to ensure that the on-site excavation and disposal activities will be conducted in an energy efficient manner.

L4-110

**7.6, Human Health/Public Safety/Hazardous Materials**

This Section should include a discussion of the health and safety impacts associated with litter blowing from the waste trucks along State Route 52 and entering and exiting the site. As discussed above, a detailed off-site litter control program should be developed and addressed within the Draft EIR in order to mitigate the Project's impact on Santee.

L4-111

**8.0, ALTERNATIVES**

**8.2, Alternatives Considered But Rejected**

"An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. (Guidelines, § 15126.6, subd. (a).) Further, an EIR "must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation". (Ibid.) "The range of alternatives required in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." (Guidelines, § 15126.6, subd. (f).)

L4-112

Accordingly, the Draft EIR should consider in detail a project alternative that reduces the footprint and the height of the Landfill expansion. Although this project alternative would decrease the in-County solid waste disposal capacity, in comparison to the Project, it would still fulfill a significant portion of San Diego's need for long term waste disposal in a centralized location. A reduced footprint and height alternative would lessen visual, noise, and biological impacts as well as long-term traffic and noise impacts. This Project alternative would attain the basic objectives of the Project while avoiding or

RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

**Response to Comment L4-110:**

Excavation and disposal activity for the Project would be conducted in an efficient manner, to reduce fuel consumption and thereby cost. Equipment would be subject to regular preventative maintenance programs to enhance performance and reduce fuel usage.

**Response to Comment L4-111:**

See Response to Comment L4-14 regarding litter.

**Response to Comment L4-112:**

The EIR contains a reasonable range of alternatives. The EIR does consider a reduced-footprint alternative (EIR Section 8.4), and a reduced height alternative (EIR Section 8.7). Although the reduced height alternative would lessen visual impacts, it would not reduce the impact to below a level of significance. The reduced footprint alternative would reduce potential biological impacts, but the biological impacts of the Project design can be mitigated to below a level of significance through other means. Potential noise impacts of the Project as designed would be mitigated below a level of significance through various mitigation measures, so such alternatives would have minimal effect on such impacts. Finally, reduction in landfill footprint or height would not reduce potential traffic impacts, unless other changes were incorporated. Moreover, those alternatives would not fulfill as many of the Project objectives as would be met by the preferred Project, nor would they meet the Project objectives as fully as they are met by the preferred Project.



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substantially lessening many of the environmental effects that the Project considers significant and unmitigable.

L4-112  
(cont'd.)

The alternatives analysis should also consider in detail a project alternative that reduces the daily tonnage limits from those proposed in the Project. Such a project would avoid or reduce significant, unmitigable traffic, odor and air quality impacts. This reduction in daily operations would not decrease the ultimate capacity of the Landfill and would have the additional benefit of increasing the lifespan of the Landfill. This longer lifespan would enable residents and businesses in surrounding communities to dispose of their municipal waste locally, reducing environmental impacts related to longer hauls of municipal waste. The alternatives analysis should consider re-visiting the County's solid waste capacity needs once San Diego determines whether the Gregory Landfill will proceed. Based on the figures in the Executive Summary, the Landfill does not necessarily need to be expanded to the extent proposed in the Master Plan in order to achieve the City's goal to extend the life of the County-wide landfill system. Nevertheless, the Draft EIR should also discuss in detail what the environmental, economic, regulatory, and other impacts of exporting solid waste to other jurisdictions would be to better inform the public, agencies, and decision makers on alternatives to the Project.

L4-113

Further, alternative project locations should be considered in an alternatives analysis if they would lessen the significant effects of the proposed project and the alternative locations are feasible. (Guidelines, § 15126.6, subd. (f)(2).) Page ES-1 acknowledges that a new landfill is being proposed in North County known as Gregory Canyon Landfill. On Page SE 42 of the CIWMP's Countywide Siting Element, the Gregory Canyon Landfill is described as a "proposed new landfill". According to the Siting Element, the County LEA recently reviewed and certified the EIR for Gregory landfill but it "remains uncertain because of opposition to the facility by concerned municipalities." With the approval of the Project and Gregory Canyon Landfill, the County would have approximately 20 years of solid waste disposal capacity, 5 years more than is required by California laws and regulations according to the Draft EIR at Page ES-1. It appears that the approval of Gregory Canyon would allow for approximately four additional years of solid waste disposal capacity within the County. The alternatives analysis should discuss the specifics of the Gregory Canyon project in further detail and how it alleviates the need to expand the Landfill.

L4-114

The alternatives analysis should also consider the proposed increase in height to extend the service life of the Miramar Landfill and Campo Band of Kumeyaay Indians Landfill in assessing the need for the expansion of the Landfill. The Draft EIR needs to explain these proposals in detail and their likelihood of materializing. It should evaluate whether these projects satisfy the project siting criteria in Chapter 5 of the CIWMP's Countywide Siting Element. The Draft EIR should also explain whether any other proposals for new or expanded facilities not currently appearing in the Siting Element

L4-115

RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

Response to Comment L4-113:

See Response to Comment L4-5. In addition, the EIR was not required to analyze an alternative that exports waste out of the County because such an alternative would be speculative, have as great or greater impact than would the Project, and is not proposed by the applicant.

Response to Comment L4-114:

See Response to Comment L4-4.

Response to Comment L4-115:

See Response to Comment L4-5.

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have been submitted to the County Department of Public Works for an amendment to the Siting Element and whether these potential projects could alleviate the need to expand the Landfill and daily tonnage increases to the extent proposed by the Project.

L4-115  
(cont'd.)

**8.8, Original Proposed Landfill Design**

This section discusses the originally proposed Landfill design, which would be 95' higher than the Master Plan. This alternative would have greater, significant landform alteration/visual quality, air quality, traffic, and noise impacts than the Master Plan. Because CEQA requires that "alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project" (Guidelines, § 15126.6, subd. (f)), it is inappropriate for the Draft EIR to include a project alternative with greater environmental impacts than the Master Plan. This section must be deleted.

L4-116

**RECIRCULATION OF ENVIRONMENTAL IMPACT REPORT**

A lead agency must re-circulate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification. (Guidelines, § 15088.5, subd. (a).) "Information" includes changes in the project description or environmental setting as well as additional data or other information. (Ibid.) The public must have a meaningful opportunity to comment on significant new information indicating that the project may have a substantial environmental impact or the existence of a meaningful mitigation measure that the project proponent has declined to adopt. (Ibid.) Applied here, the Draft EIR's Project Description and Environmental Setting (i.e., environmental baseline); visual, traffic, noise, air quality, odor, and hydrology impact analysis; cumulative impact analysis (particularly global warming impacts); and alternatives analysis are fatally flawed. In addition, the Draft EIR fails to incorporate numerous feasible mitigation measures that would reduce significant Project impacts. Thus, the entire EIR prepared for the Project must be re-circulated to comply with CEQA.

L4-117

**CONCLUSION**

Santee urges the City to diligently consider all of the Project's potential environmental impacts discussed above, as well as any others raised during this comment period, to evaluate whether it should approve the Project. CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment, based simply on a weighing of those effects against the project's benefits, unless the measures necessary to mitigate those effects are truly infeasible. (*City of Marina v. Board of Trustees of the California State University*, 39 Cal.4th at pp. 368-369; see also Pub. Resources Code, § 21081, subd. (a) and Guidelines, § 15091, subd. (a).)

L4-118

**RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)**

**Response to Comment L4-116:**

An EIR shall describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project, but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a Project. Rather it must consider a reasonable range of potentially feasible alternatives that would foster informed decision-making and public participation. The lead agency is responsible for selecting a range of Project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; see also *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376.

The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

The comment fails to note that the impacts from a landfill that has increased capacity actually may be significantly less, region-wide, at least insofar as traffic, air quality and similar impacts are concerned. That is because by moving the taller landfill to the alternatives section at the request of the City of Santee, the reduction in capacity that is a result of that agreement with Santee means that the centrally located Sycamore Landfill would not be able to contain as much waste as it could have contained had it continued with the original Project. As a result, the City of San Diego would have to site another landfill sooner than it otherwise would have to do. Moreover, it is difficult to find a location that is as centrally located as Sycamore, and thus one can anticipate that the alternative actually reduces long-term traffic and air quality impacts by reducing the length of trips required of the trash trucks once the Sycamore Landfill in its reduced height design runs out of capacity. For example, as explained in Section 8.8.4, the 1,145' AMSL Alternative would defer additional regional vehicle mileage, traffic and air quality impacts associated with diversion of solid waste from the Sycamore site to another, more distant disposal site, for an additional four years or more. This also is explained in Section 8.8.7 of the EIR, which discloses that, from regional perspective, waste vehicle haul emissions would be less than those generated by the Master Plan for the last four years of life of the Alternative. Also, the greater capacity of this alternative would reduce the

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Santee plans to work with San Diego in analyzing and discussing mitigation measures and alternatives to the Project that will meet San Diego's needs for solid waste disposal while protecting Santee's environment. Santee reserves the right to raise additional concerns as more information about the Project is released to the public.

Santee has requested in writing that San Diego keep Santee informed on a continual basis regarding anything related to the environmental review of the Project.

Sincerely,



Gary Halbert P.E., AICP  
Deputy City Manager/Development Services Director

Cc. Santee City Council  
Keith Till, City Manager  
Shawn Hagerty, City Attorney  
Melanie Kush, City Planner, AICP  
Josh McMurray, Associate Planner  
Minje Mei, Principal Traffic Engineer  
Elmer Heap, Deputy Chief Operating Officer  
Kelly Broughton, City of San Diego, Director of Development Services  
Rebecca LaFreniere, Solid Waste Local Enforcement Agency  
Neil Mohr, San Diego Landfill Systems  
BRG Consulting, Inc., 304 Ivy Street, San Diego, CA 92101

L4-118  
(cont'd.)

RESPONSES TO COMMENT LETTER RECEIVED FROM CITY OF SANTEE, SIGNED BY GARY HALBERT P.E., AICP, DATED APRIL 4, 2008 (LETTER L4) (continued)

Response to Comment L4-116: (cont'd.)

anticipated greenhouse gasses (GHGs) associated with finding and operating another landfill site within San Diego County after closure of the Project.

Response to Comment L4-117:

The comment does not point to any new information in the EIR that would constitute significant new information. There has been no information added to the EIR that would deprive the public of a meaningful opportunity to comment on substantial adverse Project impacts or feasible mitigation measures or alternatives not adopted. None of the information added to the EIR is significant, nor does any of it show any new, substantial environmental impact resulting from the Project or any mitigation measures. Similarly, none of the new information shows any substantial increase in the severity of any environmental impact, nor does any of the new information evidence a feasible alternative or mitigation measure considerably different than that considered in the EIR that clearly would lessen the environmental impacts and that SLI has declined to adopt. See *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (Laurel Heights II) (1993) 6 Cal. 4th 1112; 14 Cal. Code Regs. § 15088.5(a) (recirculation is not required whenever any arguably significant information is included in the EIR); *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal. App. 4th 74, 97 (expert's challenge to the conclusions on a subject already evaluated in the EIR does not require recirculation); *Marin Mun. Water Dist. v. KG Land Cal. Corp.* (1991) 235 Cal. App. 3d 1652 (Changes that merely clarify, amplify, or make insignificant modifications to the EIR do not trigger recirculation).

Response to Comment L4-118:

Comment noted. As required under CEQA Guidelines Section 15043 and 15093(a) the decision maker, in this case the San Diego City Council, must consider the EIR and should the decision maker certify the EIR and approve a Project with significant unmitigable impacts, findings and overriding considerations must be made (Section 15093).

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Comment  
Letter L5



# Santee School District

SCHOOLS:  
Cajon Park  
Carlton Hills  
Carlton Oaks  
Ches F. Harrell  
Hill Creek  
Peppei Drive  
Pinnacles Avenue  
Rio San  
Sycamore Canyon  
Alcornoque  
Sunset Program

July 21, 2008

E. Shearer-Nguyen  
Environmental Planner  
City of San Diego  
Development Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101

RECEIVED  
AUG 24 2008  
City of San Diego

**Subject: Sycamore Landfill Master Plan Draft Environmental Impact Report**

Dear Ms. Shearer-Nguyen:

The purpose of this letter is to express the Santee School District's ("District") concerns regarding the proposed expansion of the Sycamore Landfill.

Although the District has not previously responded to the public notice regarding the Draft Environmental Impact Report ("EIR"), and we realize that the statutory deadline has passed for the District to provide formal comment, this letter is offered in the spirit of communicating the District's concerns to the City of San Diego. We hope that the City will seriously consider the concerns expressed in this letter and expand the review of the environmental impacts prior to the certification of the final EIR to include the Santee School District, its students, and the staff it serves.

The City is obligated under CEQA to consider all of the environmental impacts to schools in close proximity of the proposed project. This has yet to be done, so the District respectfully requests the study be expanded in its review to include those impacts on the affected schools prior to the EIR being finalized.

The Santee School District serves 6,130 students in grades K-8 by operating nine school campuses and a district administrative office complex in the City of Santee, portions of the Cities of El Cajon and San Diego, and in the unincorporated area of the County of San Diego.

The District operates the following schools within close proximity to the Sycamore Landfill:

1. Carlton Oaks Elementary School, within .56 of a mile,
2. Carlton Hills Elementary School, within 1.63 miles,
3. Sycamore Canyon Elementary School, within 1.71 miles.

BOARD OF EDUCATION • Dan Bartholomew, Dustin Burns, Allen Carlisle, Dianne El-Hajj, Barbara Ryan  
DISTRICT SUPERINTENDENT • Lisbeth Johnson, Ed.D.  
9625 Cuyamaca Street • Santee, California 92071-2674 • (619) 258-2300

RESPONSES TO COMMENT LETTER RECEIVED FROM SANTEE SCHOOL DISTRICT, SIGNED BY LISBETH A. JOHNSON, Ed.D, DATED JULY 21, 2008 (LETTER L5)

**Responses to Comment L5-1:**

Comment noted.

**Response to Comment L5-2:**

The EIR has considered all potentially significant impacts of the project, including any impacts that would impact the Santee School District, its students or its staff.

**Response to Comment L5-3:**

See Response to Comment L5-2..

**Responses to Comment L5-4:**

Comment noted.

**Responses to Comment L5-5:**

It appears that the distances listed for the three schools are based on the distance to the landfill entrance, at Mast Blvd. and West Hills Parkway. Also relevant are the distances to the nearest edge of the landfill operations area, located approximately one mile north of the entrance. Applicable distances from each of the listed schools to the operations area are 1.3 miles/1.7 miles/1.1 miles, respectively. The impacts of the project to these schools was analyzed as part of the EIR.

L5-1

L5-2

L5-3

L5-4

L5-5

000164

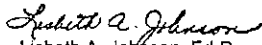
Comment  
Letter L5  
(cont'd.)

Based upon the close proximity of the proposed project to some of our schools, it is the District's obligation to its students, staff, and parents to raise the following concerns regarding the apparent unmitigated impacts of the expansion of the Sycamore Landfill, including:

- Increased noise
- Deterioration of air quality
- Visual impacts
- Increased presence of odors
- Increased litter
- Increased safety concerns in terms of all of the above

It is highly recommended that the City of San Diego work closely with the Santee School District, its staff and consultants to identify the significant potential health and safety impacts of this project on the District's schools, as well as, effective mitigation measures to reduce those impacts to below levels of significance.

Sincerely,

  
Lisbeth A. Johnson, Ed.D.  
Superintendent

LAJ:EH:ea

L5-6

L5-7

RESPONSES TO COMMENT LETTER RECEIVED FROM SANTEE SCHOOL DISTRICT, SIGNED BY  
LISBETH A. JOHNSON, Ed.D, DATED JULY 21, 2008 (LETTER L5) (continued)

Response to Comment L5-6:

Each topic listed by the comment letter has been addressed in the EIR, and mitigation measures have been proposed for them all. Those mitigation measures are included as part of the MMRP. For example, the EIR includes a noise analysis in Section 4.6. It addressed potential noise impacts associated with landfill operations within the site, vehicular noise impacts to properties adjacent to the landfill access road, and potential vehicular noise related to residential areas near the landfill entrance. As a result of planned noise/visual barrier berms between landfill operations and the landfill site boundaries, noise levels at those boundaries would be 60 dBA Leq or less (Table 4.6-4). Landfill operations noise levels at Santee residential areas located more than 4,000 feet (0.75 mile) from the site boundaries were calculated to diminish to 22-42 dBA Leq, depending on the distance (Gordon Bricken, 8/21/08). Therefore, landfill operational noise at the school sites listed by the commenter, located from 1.1 to 1.7 miles from the landfill operations area, would be far less, and far below any applicable criterion of significance. The same is true of projected noise from waste trucks turning into the landfill entrance. Noise levels from 57 trucks per hour bringing MSW to the landfill in the middle of the night would be 58.5 dBA CNEL at the nearest homes, located approximately 250 feet from the landfill entrance (Table 4.6-8). This is below the 60 dBA CNEL criterion of significance for transportation noise used by the City of Santee. At the distances of the schools, located 11.8 to 36.1 times as far, the noise levels would be undetectable. All potentially significant noise impacts have been fully mitigated.

Air Quality also was addressed in the EIR, in Section 4.7 and Section 5. Impacts to sensitive receptors, including Santee schools, were evaluated and mitigated to the extent feasible. Likewise, visual impacts were addressed, in Section 4.2 and Section 5 of the EIR. Given the nature of the facility, grading more than 2,000 cubic yards per acre is unavoidable and thus there is no feasible way in which to mitigate for landform alteration impacts; as a result, the EIR considers the impacts to be significant and unmitigated. However, visual impacts of the Project would be reduced to the extent possible through the use of slopes and contours that are consistent with the nearby landforms, through the use of mulch on newly graded surfaces, through the use of native species of plants to revegetate the graded areas, and through the use of berms to block outside views of landfill operations and machinery. Feasible mitigation for lessening impacts to visual quality on the Santee School District have been required as part of the project, including construction of a berm made solely of soil and rock on the eastern side of the landfill, to block views of the working face from Santee viewpoints.

Odors were addressed in Section 4.7.3 of the EIR. Based on analysis in that section, and information in the Technical Appendix on odor, Appendix G, grinding of greens materials, then leaving the mulch in a pile to decompose anaerobically (without air), resulted in odor complaints years ago when green waste first

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**RESPONSES TO COMMENT LETTER RECEIVED FROM SANTEE SCHOOL DISTRICT, SIGNED BY LISBETH A. JOHNSON, Ed.D, DATED JULY 21, 2008 (LETTER L5) (continued)**

**Response to Comment L5-6: (cont'd.)**

applicant changed its practices in order to minimize the odors, and, since the implementation of new procedures for handling mulch at the landfill in July 2003, complaints filed have diminished to an average of less than one per month. The landfill will continue to monitor odors, and implement best practices to avoid odor complaints, but, given the variability of weather conditions, it is expected that occasional odor episodes will occur. The Odor Management Plan would continue with approval of the project.

As discussed in Response to Comment L4-14, the project would keep in place the current litter-minimization procedures, including use of temporary litter fences placed along the rim of the top deck and the access road to intercept blowing debris during windy periods. Portable litter fences are used by SLI near the active working face. SLI is required to control litter around the facility and on-site by CIWMB regulation 27 CCR Section 20830 as described in Section 2.3.1.7 H - Litter Control. These regulations state that the facility shall "prevent the accumulation, or off-site migration, of litter in quantities that create a nuisance or cause other problems. " In addition, Section 5.3 (J) of the Facility Franchise Agreement requires the landfill to take measures to maintain roads and streets within a one (1) mile radius surrounding the landfill free from litter from the operations of the landfill. Control and collection of litter around the facility leads to capture of these materials before they can accumulate in significant quantities that could negatively impact surface water, off-site streets or other portions of the environment. The landfill currently employs laborers to collect on-site and off-site litter, and hires additional temporary labor as necessary to collect litter on windy days. To discourage generation of off-site litter, the facility rejects any open loads that are not tarped, and provides a place at the active landfill disposal face for drivers to sweep out and clean their vehicles prior to leaving the site to minimize litter from recently emptied trucks. The landfill also minimizes the areas of exposed waste. These practices, and others described in EIR section 2.3.1.7, would continue with the expanded facility. The facility has not received a violation for litter since the landfill was purchased by SLI in 1997; therefore, the EIR concludes there would be no significant impact to streets in Santee, or other off-site streets or surface waters, from litter.

Safety issues were addressed throughout, including as part of the traffic analysis, found in EIR Section 4.4.4.2. No significant safety issues were identified. Furthermore, the Project would result in traffic increases along Mast Boulevard and West Hills Parkway of less than one percent, compared with landfill operations under the existing permit. The only landfill-related traffic expected to use those roadways would be garbage trucks picking up MSW from residential areas and businesses in Santee, and the home-to-work trips of landfill workers who are residents of Santee. Potential project health impacts are addressed in EIR

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RESPONSES TO COMMENT LETTER RECEIVED FROM SANTEE SCHOOL DISTRICT, SIGNED BY  
LISBETH A. JOHNSON, Ed.D, DATED JULY 21, 2008 (LETTER L5) (continued)

**Response to Comment L5-6: (cont'd.)**

Section 4.7.2.2 A, Health Risk Assessment (summary), and in EIR Appendix F1 (in detail). The risks of Project-related cancer, acute or chronic hazard indices were found to be well below the significance criteria used in these analyses.

**Response to Comment L5-7:**

The EIR has disclosed all potentially significant impacts of the project, including any impacts to the Santee School District, and the project has been conditioned to implement all feasible mitigation measures. These measures will be implemented through the MMRP.

000167

## Comment Letter Q1

From: RicAnthony@aol.com [mailto:RicAnthony@aol.com]

Sent: Monday, March 17, 2008 4:33 PM

To: Temple, Jeannette

Subject: Subject: CAC Questions for the Miramar and Sycamore Landfill Expansion EIR

**Citizen Advisory Committee, Local Task Force, San Diego County Integrated Waste Management**

**March 17, 2008**

**To : Jeanette Temple, Development Services Department**

**From: Richard Anthony, San Diego County Citizen Advisory Committee Local Task Force Integrated Waste Management**

**Subject: Miramar and Sycamore Landfill Expansion Environmental Impact Reports.**

The CAC made up of stake-holders in the resource management industry, have been advocating zero waste programs that will extend the life of existing landfills and reduce green house gases. We support the expansion of these two landfills with the following caveats.

1. We want the EIR and the expansion plan to include available drop off areas (Resource Recovery Park) for self hauled source separated materials in all the 12 master categories of marketable materials (reuse, paper, metal, glass, polymers, putrescibles, yard debris, soil, ceramics, textiles wood and chemicals) or know why not.
2. We want to phase out compostable materials from the landfill and direct this material back to the soil. This is half of what we a burying and the genesis of methane gas and landfill leachate. It has a better use as soil for our agricultural crops. Thus we want to see composting as part of this expansion project or know why not.

Developing programs that will result in turning discarded resources into ongoing revenue streams makes a lot of sense economically and socially, and is the most logical way to extend the life of Miramar and Sycamore Landfill. The regions environment and economy stand much to gain from this strategy.

Richard Anthony, Chair  
San Diego County Integrated Waste Management Local Task Force, Citizen Advisory Committee

[RicAnthony@aol.com](mailto:RicAnthony@aol.com)

[RichardAnthonyAssociates.com](http://RichardAnthonyAssociates.com)  
San Diego, California

**RESPONSES TO COMMENT LETTER RECEIVED CITIZENS ADVISORY COMMITTEE LOCAL TASK FORCE INTEGRATED WASTE MANAGEMENT, SIGNED BY RICHARD ANTHONY, DATED MARCH 17, 2008 (LETTER Q1)**

### **Response to Comment Q1-1:**

A public drop-off and recycling center with roll-off containers for self-haul waste disposal and recycling would accommodate the 12 master categories of marketable materials listed in the comment. The drop-off and recycling center would be located at the northern end of the scales area, as shown in EIR Figure 3-10, and discussed in EIR Section 3.2.1.2.

### **Response to Comment Q1-2:**

Composting is being considered at the landfill, as discussed in Section 3.2.1.5 of the EIR. The EIR addresses it at a programmatic level. See Responses to Comments S1-10, L1-4, L4-12 and L4-35 for more information on the EIR's analysis of composting operations.

In the present landfill design, ground-up green materials are used as daily cover materials over the municipal solid waste (MSW), in order to optimize the use of landfill space, and ADC would continue to be used as part of the Project. Ground-up green material is an environmentally beneficial cover material, as some of the material later decomposes into methane, which is collected by the landfill gas collection system and used to produce renewable energy in the existing cogeneration power plant. Such collection and use minimizes the need for other power plants that use fossil fuels such as natural gas. A fraction of the carbon in the greens never decomposes, and is sequestered in the landfill, providing a long-term removal of carbon and carbon dioxide from the environment, that otherwise would have been released to the atmosphere in the decomposition of the wood or green materials.

### **Response to Comment Q1-3:**

Comment noted. This comment does not address the accuracy or adequacy of the EIR; therefore, no response is necessary.

Q1-1

Q1-2

Q1-3

**000168**



Comment  
Letter N1



San Diego County Archaeological Society, Inc.

Environmental Review Committee

10 March 2008

RESPONSES TO COMMENT LETTER RECEIVED SAN DIEGO COUNTY ARCHAEOLOGICAL SOCIETY, INC., SIGNED BY JAMES W. ROYLE, JR., DATED MARCH 10, 2008 (LETTER N1)

Response to Comment N1-1:  
Comment noted.

To: Ms. Elizabeth Shearer-Nguyen  
Development Services Department  
City of San Diego  
1222 First Avenue, Mail Station 501  
San Diego, California 92101

Subject: Draft Environmental Impact Report  
Sycamore Landfill Master Plan  
Project No. 5617

Dear Ms. Shearer-Nguyen:

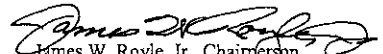
I have reviewed the historical resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR and its appendices, we agree that the project should result in no significant impacts to historical resources. We therefore also agree that no historical resources mitigation measures are required.

SDCAS appreciates being provided this DEIR for our review and comment.

N1-1

Sincerely,

  
James W. Royle, Jr., Chairperson  
Environmental Review Committee

cc: Gallegos & Associates  
SDCAS President  
File

000169

P.O. Box 81106 • San Diego, CA 92138-1106 • (619) 594-0035

Comment  
Letter N2

# California Native Plant Society

City of San Diego  
Development Services Department  
1222 First Avenue, MS 501, San Diego, CA 92101  
DSDEAS@sanidiego.gov

April 7, 2008

Re: Sycamore Landfill Master Plan Project No. 5617/SCH No. 2003041057

To Whom It May Concern;

The CNPS has serious concerns about the adequacy of the treatment of botanical resources in the draft Sycamore Landfill Master Plan. The proposed expansion area supports very sensitive plant associations, including native grasslands and grassland endemics, such as Variegated Dudleya (*Dudleya variegata*), a Narrow Endemic Species. Some of the numerous flaws to the analysis include the following:

1. No recent general plant surveys have been conducted, with the most recent apparently being in 2003. Surveys in various years, including updated winter and spring surveys, are required in order to adequately assess project impacts and mitigation.
2. The site supports numerous sensitive plant species, including Variegated Dudleya, San Diego Goldenstar, Nuttall's Scrub Oak, San Diego Coast Barrel Cactus, San Diego County Viguiera, Western Dichondra, and Graceful Tarplant. We are unconvinced of the adequacy of the field surveys for these species, particularly Variegated Dudleya, San Diego Goldenstar and Western Dichondra, since they are difficult to find in every year. It is highly likely that far more specimens are actually present on this site than are reported in the RECON report, which would be confirmed by additional field surveys at various times of the year and in various years. This is particularly true for the site's rare geophytes.
3. Transplantation of sensitive plant species, particularly the Narrow Endemic Species Variegated Dudleya, is promoted as mitigation. In the absence of thorough fieldwork, we are unconvinced that all specimens in harm's way have been salvaged and that the mitigation will be successful in preserving the species. Mitigation design, site, implementation techniques and monitoring procedures need to be communicated in order for the public to judge whether effective mitigation is being proposed. Please also communicate references indicating past success in using transplantation for these species. In the absence of such research, transplantation must be viewed as an experiment in preserving the species.
4. The biology report indicates that many tens of thousands of sensitive plant specimens would be impacted. The most startling is that at least 22,000 specimens of Variegated

N2-1

N2-2

N2-3

N2-4

RESPONSES TO COMMENT LETTER RECEIVED FROM CALIFORNIA NATIVE PLANT SOCIETY,  
SIGNED BY CARRIE SCHNEIDER, DATED APRIL 7, 2008  
(LETTER N2)

Response to Comment N2-1:

Biological fieldwork, including general and focused surveys, was conducted as follows:

Date	Type of Fieldwork	Party
2000 & 2001	General surveys	Merkel
2003 (summer)	General survey; wetland delineation, gnatcatcher survey	RECON
2004 (spring)	Variegated dudleya survey on Parcel 366-031-18 and boundary of existing landfill	RECON
2005 (spring)	Quino protocol survey	RECON
2008 (February)	Focused gnatcatcher survey	RECON

As stated in the EIR, these survey results were used to determine impacts and mitigation for the Project. This baseline condition was used as it was just prior to the Cedar fire and represents the most mature state of the vegetation, or worst-case condition, given the destruction of vegetation in the fire. Nearly 100% of the property was impacted by the 2003 Cedar fire, just a few months after the RECON surveys had been completed. While the native communities are adapted to fire, the level of recovery is uncertain. Recovery of native communities follows a cycle, with the early stages dominated by successional and non-native species. Observations made during the recent gnatcatcher survey indicate that the habitat is beginning to recover. Use of pre-fire data is a conservative approach, which analyzes a worst-case scenario.

With respect to annual and herbaceous rare plants, it is recognized that the number of plants would vary from year to year, depending on rainfall. However, the general area occupied by these species would be roughly similar from year to year. The previous surveys therefore are considered to be representative for the purpose of identifying impacts of the Project.

Response to Comment N2-2:

See Response to Comment N2-1.



Dedicated to the preservation of California native flora

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Comment  
Letter N2  
(cont'd.)

Dudleya would be lost. The population of this species on this site is regionally significant, therefore this impact is clearly significant and not mitigable.

We urge the City to reject both the biological resources report and the EIR for this project because the extent of the damage to biological resources is not sufficiently well-understood and therefore the proposed mitigation is inadequate.

Thanks for your consideration.

Sincerely,

Carrie Schneider  
Conservation Chair  
San Diego Chapter of the California Native Plant Society  
P O Box 121390  
San Diego CA 92112-1390  
(858) 352-4413 (day)  
(619) 282-3645 (evening)  
info@cnpsd.org

N2-4  
(cont'd.)

RESPONSES TO COMMENT LETTER RECEIVED FROM CALIFORNIA NATIVE PLANT SOCIETY,  
SIGNED BY CARRIE SCHNEIDER, DATED APRIL 7, 2008 (LETTER N2) (continued)

Response to Comment N2-3: (cont'd.)

The Variegated Dudleya Translocation Plan prepared by RECON (2006) (see Appendix C8) outlines the specific guidelines for the translocation of the variegated Dudleya to a mitigation parcel. This plan describes the methods of salvaging variegated dudleya from the Landfill site, as well as propagation of additional variegated dudleya plants from seeds. The plan also details the five-year monitoring, maintenance and reporting program. In addition, the plan describes the success of a previous variegated dudleya translocation effort associated with the construction of State Route 52 between the Sycamore Landfill and Mission Trails Regional Park. The most recent check of the translocated population showed that salvaged plants and recruited seedlings were still persisting after 10 years. See also Response to Comment N2-1.

In September 2007, RECON prepared a progress report for the Dudleya translocation efforts at Sycamore Landfill (see Appendix C8a). The report describes the success of the planting of approximately 12,000 salvaged and propagated dudleya that were planted at the translocation site in January 2005. As concluded in the investigation, dudleya have grown and flowered each year even with below normal rainfall. Pollinators have been observed to focus on the large patches of flowering dudleya ensuring good seed set. Thousands of seedlings have been observed around the mature plants and these plants would add to the total population at the translocation site. A total of approximately 13,368 dudleya were growing at the translocation site during 2007.

Response to Comment N2-4:

The actual number of variegated dudleya to be impacted by the Project is 12,636, not 22,000 as indicated in this comment. This includes 12,225 plants previously avoided under MND 40-0765 and 396 plants elsewhere in APN 366-041-01 not impacted under MND 40-0765. The EIR discloses that the impact to variegated dudleya is considered to be significant. This impact would be mitigated by translocation of the variegated dudleya plants to an approved site in accordance with the translocation plan in EIR Appendix C8. Implementation of this translocation plan would mitigate the impacts to below a level of significance.

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Comment  
Letter N3

LOUNSBERY, FERGUSON  
ALTONA & PEAK LLP

960 Canterbury Place, Suite 300  
Escondido, California 92025-3836  
Telephone (760) 743-1201  
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ATTORNEYS AT LAW

OF COUNSEL  
GARTH O. REID  
PARKS & OBERHANSLEY  
SPECIAL COUNSEL  
JOHN W. WITT

April 6, 2008

Elizabeth Shearer-Nguyn, Environmental Planner  
City of San Diego Development Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101  
[eshearernguyn@sandiego.gov](mailto:eshearernguyn@sandiego.gov)

Subject: Draft EIR for the Sycamore Landfill Master Plan (Project No. 5617, SCH No. 200304105, Community Plan Area: East Elliot, Council District: 7, JO: 421084)

Dear Ms. Shearer-Nguyn:

This firm represents the East Elliot Land Company, LLC, and its principal, Mr. David Dilday. We have been asked to review the Sycamore Landfill Master Plan (the "Project") Draft Environmental Impact Report ("DEIR") for potential impacts on our client's property interests in several parcels, APNs 366-081-25, 26 and 27 and 366-050-25, totaling approximately 56 acres, directly adjacent to the Project along Mast Avenue and the Sycamore Landfill access road. As discussed below, however, our analysis of the document has revealed that the project's impacts extend well beyond Mr. Dilday's property, and affect lands and jurisdictions throughout San Diego County. As a result, one would expect the DEIR to evaluate project-related impacts on both a local and regional level. Unfortunately, the DEIR fails to provide this kind of analysis.

Sycamore Landfill, Inc. ("SLI"), owners of the Project located at 8514 Mast Avenue within the East Elliot Community Planning Area in the City of San Diego, propose to (1) increase three-fold the tonnage of waste material to be brought into the site daily (26,000,000 pounds), (2) expand the landfill footprint by encroaching into 24 acres of protected habitat land, (3) extend the landfill's life for at least 20 additional years, (4) increase significantly the traffic along State Route 52 near Mast Boulevard, an already overly-impacted roadway, increasing traffic into the site at a rate greater than one truck every 15 seconds, and (6) extend the hours of operation by over two-fold (working 24 hours a day, seven days a week), in order to make the Project the largest dump in entire state of California. A recent article in the San Diego Tribune puts it well, "The plan calls for filling in a sizable canyon with trash and then building upward."<sup>1</sup>

<sup>1</sup> Mike Lee, Proposed expansion would turn Sycamore Landfill into one of California's largest mountains of trash - San Diego Tribune, March 30, 2008. See <http://www.signonsandiego.com/news/metro/20080330-9999-1n30svcamore.html>.

RESPONSES TO COMMENT LETTER RECEIVED FROM LOUNSBERY, FERGUSON, ALTONA, & PEAK, LLP, ATTORNEYS AT LAW, SIGNED BY FELIX M. TINKOV, ESQ., JOHN W WITT, ESQ., KEN H. LOUNSBERY, ESQ., DATED APRIL 6, 2008 (LETTER N3)

Response to Comment N3-1:

The EIR evaluates Project-related impacts on both a local and, where appropriate based on the specific impact, the regional level. The EIR takes a worst-case approach to its analysis to ensure that all impacts are analyzed. The EIR assumes a 24-hour operation in order to ensure that all impacts are analyzed and that the landfill has the flexibility to address the solid waste disposal needs now and for the foreseeable future. The landfill is designed to combine the already permitted "stages" of development into one, in order to more efficiently use the existing landfill site and avoid the need to find other disposal sites in Santee, San Diego or elsewhere in the region. Although the EIR points out there may be potentially significant traffic impacts from the Project, it also should be noted that by expanding the existing Sycamore Landfill, traffic impacts region-wide are reduced, because trash trucks would be able to go to the centrally located Sycamore Landfill rather than having to drive to Yuma, or some newly sited landfill further removed from the homes and businesses that are generating the waste.

N3-1

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Comment  
Letter N3  
(cont'd.)

As we will demonstrate below, there is substantial evidence in the record that the Project has potential to create significant environmental impacts which have neither been mitigated to insignificant levels nor have been studied sufficiently to determine what mitigation measures may be necessary. The Project and all requested entitlements should be denied because (i) the DEIR fails to adequately describe the scope of the Project, (ii) the DEIR fails to identify and adequately analyze all of the potentially significant environmental impacts of the underlying project with sufficient specificity, (iii) the DEIR fails to adequately identify and analyze a reasonable range of alternatives to the Project, (iv) the DEIR is based on outdated and incorrect information and (v) the DEIR provides insufficient evidence to support a statement of overriding considerations.

This comment letter identifies technical and legal defects in the DEIR. It should be noted, however, that due to City staff's refusal to grant an extension to the comment period, our review has been unreasonably restricted. Our report, therefore, is not all-inclusive, but merely shows some of the most glaring failures of this DEIR.

# I. GENERAL COMMENTS

"Only through an accurate view of [a] project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal ... and weigh other alternatives in the balance.... An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR. The defined project and not some different project must be the EIR's bona fide subject." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193 & 199)

The four basic purposes of the California Environmental Quality Act (CEQA)<sup>2</sup>, as described in CEQA Guidelines §15002, are to:

- (1) Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- (2) Identify the ways that environmental damage can be avoided or significantly reduced.
- (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.

<sup>2</sup> Pub. Res. Code §21000, *et seq.*

N3-2

N3-3

RESPONSES TO COMMENT LETTER RECEIVED FROM LOUNSBERY, FERGUSON, ALTONA, & PEAK, LLP, ATTORNEYS AT LAW, SIGNED BY FELIX M. TINKOV, ESQ., JOHN W WITT, ESQ., KEN H. LOUNSBERY, ESQ., DATED APRIL 6, 2008 (LETTER N3) (continued)

## Response to Comment N3-2:

Comment noted. Also, the 45-day public review period is an appropriate time period under Public Resources Code Section 21091(a) and State CEQA Guidelines, Sections 15087, 15105 and 15205 of Title 14 of the California Code of Regulations. The 45-day public review period is the standard State Clearinghouse review period. 14 Cal. Code Regs. §§ 15106, 15205(d). There is no legal requirement to grant extensions, and the City has determined that a 45-day review period is adequate for this EIR. See also San Diego Municipal Code section 128.0306.

## Response to Comment N3-3:

Comment noted. Responses to the specific comments made in the letter are set forth in Responses to Comments N3-4 through N3-12.

000173

Comment  
Letter N3  
(cont'd.)

(4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

In order to accomplish these purposes, a public agency must prepare an environmental impact report (EIR) when there is substantial evidence that a project may have a significant effect on the environment (CEQA Guidelines §15002(f)(1)). The courts have long affirmed that CEQA is to be used as an informational tool which protects not only the environment but also informed self-government (*Cadiz Land Co., Inc. v. Rail Cycle, L.P.* (2000) 83 Cal.App.4th 74). The *Laurel Heights* court stated that an EIR is a document of accountability and serves as an environmental alarm bell to agencies and the general public before the project has taken on overwhelming "bureaucratic and financial momentum" (*Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 395 – boldface emphasis added). The EIR's function is to ensure that government officials who approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449). An EIR must provide its readers with the ability to understand the scope of the project seeking approval, as well as its potential impacts. Thus, an EIR which is confusing, misleading or otherwise faulty is a disservice to the government officials tasked with reviewing the project and the public they serve.

The DEIR for the SLI Project suffers from a number of technical errors which either intentionally or inadvertently confuse the reader. The City failure to provide a clear, logical document has created an impediment to the public's comprehension of the basis of the Project's necessity and the consequences of its approval. This clearly runs counter to the legal reasoning set forth in the *Cadiz*, *Laurel* and *Vineyard* line of cases. Below are several of the more egregious examples of confusion found in the DEIR:

1. The DEIR has at least nineteen (19) missing page numbers (e.g. 1-4, 2-6, 3-12, 3-14, 3-16, 3-22, 3-24, 4.1-20, etc.), and possibly more throughout the document. This gives the appearance of omitted information. It was only upon several days of further review, and proactive consultation with the City staff that we came to learn that the page numbers (and pages of text) were simply omitted. This firm asked that the City, as the party charged with the final preparation and distribution of the DEIR to the public, provide additional review time due to the confusion created by this haphazard page numbering, but we were squarely refused.<sup>3</sup> Moreover, no attempt was made on the part of the City to notify the members of the distribution list of this matter, when simple solutions included (1) resending the document in hard copy format, (2) forwarding an explanatory note or (3) renumbering the pages to be consecutive on a reformatted CD. There is simply no rational excuse for not implementing any of these simple, inexpensive procedures.

<sup>3</sup> Electronic mail correspondence from Elizabeth Shearer-Nguyen, the City's Project Planner, sent at approximately 11:45 AM on Friday, March 28, 2008, with copies to Jeanette Temple, the City Project Manager, Marsha Blake, City Senior Planner, and Donna Jones, the Applicant's, Sycamore Landfill, Inc.'s, attorney.

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RESPONSES TO COMMENT LETTER RECEIVED FROM LOUNSBERY, FERGUSON, ALTONA, & PEAK, LLP, ATTORNEYS AT LAW, SIGNED BY FELIX M. TINKOV, ESQ., JOHN W WITT, ESQ., KEN H. LOUNSBERY, ESQ., DATED APRIL 6, 2008 (LETTER N3)

Response to Comment N3-4:

Comment noted. The draft environmental documents that were distributed for the project were not missing any pages from either the CD and/or the hardcopy versions. The backside of 11" x 17" exhibits were not numbered and could be deduced that the blank page that followed would be the next number in the sequence. Typically graphics within an EIR do not include text on the backside. CEQA does not dictate the format, only the contents of the EIR (Article 9 of the CEQA Guidelines, Section 15120-15132). Pages intentionally left blank or unnumbered would not constitute a "procedural/technical error in the presentation and format of the EIR." The lack of page numbers on the back of a few exhibits does not address the adequacy and/or accuracy of the environmental analysis or its conclusions.

N3-3  
(cont'd.)

N3-4

Comment  
Letter N3  
(cont'd.)

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Perhaps just as troubling is the lead agency's inherent conflict of interest in certifying the DEIR and deciding whether to approve the Project. The City has a financial stake in this project, in that it receives tipping surcharge fees from SL1 - fees that promise to increase substantially if the landfill is expanded as proposed.<sup>4</sup> The City's failure to honor simple requests for clarification of the DEIR only sharpens the appearance of conflict and self-dealing.

2. The DEIR was delivered to the members of the distribution list via a compact disc (CD) holding three files. The first file houses the text of the DEIR corpus, followed by several out of sequence technical studies (C7, C8a-c, C11, C12, C14, and F3), and the last two files contain the remainder of the technical studies, less those found in the first file. Rather than creating an ordered, easy to follow DEIR, the City's preparation lack's logical flow in its presentation, placing a greater than necessary burden on a reader seeking to find cited material scattered various locations.

3. The DEIR also has numerous examples of internal conflicts on topics of great significance to reviewing parties. Some differences can be found between sections (e.g. the DEIR Notice states that "the maximum height of the facility would increase by approximately 267 feet" while the first page of the DEIR Conclusions states that the increase would only be 167 feet), while other discrepancies exist within a single section (e.g. page 1 of the DEIR Conclusions states the landfill will go from "71 million cubic yards (mcy)... to 151 mcy" while page 3 of the same section concludes that the expansion will increase the capacity from 70 mcy to 157 mcy. A divergence which amounts to nearly two years of trash to the facility.) There is little reason to trust one number over the other. Thus determining the accuracy of the document is not possible.

Another example of internal confusion occurs on page 4.1-10 (Subsection H.). There, the DEIR states that the Project lies outside of the Airport Influence Areas (AIA) of three local airports, including MCAS-Miramar, but then goes on to say "except for MCAS-Miramar." It is unclear from the plain language of the DEIR whether the site is inside or outside of the AIA. This is not an idle matter, as the course of action for the Project is completely different depending on which scenario is accurate. If the Project is outside of the AIA, no further analysis is required, but if it is inside, there must be a review of the relationship between the proposed Master Plan and the applicable Airport Land Use Compatibility Plan. There is some reason to believe the Project is within the AIA of MCAS-Miramar, due to its direct adjacency to the military air field installment. Therefore, the failure to review the consistency of the proposed Master Plan and the Airport Land Use Compatibility Plan is either a glaring omission by the drafters of this DEIR, or an intentional attempt to mislead the reader by obfuscating the existing conditions on the site.

4. The DEIR misstates facts and shades the truth to lessen the appearance of impacts. For example, when discussing the increase in the maximal height of the landfill, the

<sup>4</sup> "The city collected more than \$12 million on trash hauled to Sycamore Landfill from 2003 to 2007, city records show. San Diego's cash register could ring up even bigger numbers if the City Council agrees to let Allied and its local subsidiary haul in more waste each year." (Mike Lee, *Proposed expansion would turn Sycamore Landfill into one of California's largest mountains of trash* - San Diego Tribune, March 30, 2008.)

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RESPONSES TO COMMENT LETTER RECEIVED FROM LOUNSBERY, FERGUSON, ALTONA, & PEAK, LLP, ATTORNEYS AT LAW, SIGNED BY FELIX M. TINKOV, ESQ., JOHN W WITT, ESQ., KEN H. LOUNSBERY, ESQ., DATED APRIL 6, 2008 (LETTER N3) (continued)

Response to Comment N3-5:

This comment does not discuss the adequacy or accuracy of the EIR, therefore no response is necessary. Nonetheless, to address the non-CEQA issue of an alleged conflict of interest because the City of San Diego may benefit from approval of the Project, the City of San Diego is the appropriate lead agency for this Project under CEQA. The council members of the City Council of the City of San Diego do not have a financial interest in the operation of the Sycamore Landfill. The City Council of the City of San Diego was identified as the appropriate CEQA lead agency in compliance with California Public Resources Code section 21083, and Section 15021 of the CEQA Guidelines, 14 Cal. Code Regs.

Response to Comment N3-6:

The document was organized to place the most important reference documents in the same volume as the EIR. The volumes where all technical appendices may be found are listed in the tables of contents of each volume.

Response to Comment N3-7:

The correct value for the height increase is 167 feet, as described in the conclusions. The 267-foot value (which was the height of the originally Project, now listed as an alternative in Section 8.8) was a typographical error, as was the 151 million cubic yards (mcy) reference; the correct volume is 157 mcy. However, these corrections do not change the conclusion that the landfill expansion, as proposed, would result in a significant, unmitigable visual/landform impact. See Response to Comment L4-117, noting that the revisions to the FEIR do not require recirculation under CEQA.

Response to Comment N3-8:

The EIR on page 4.1-10 has been revised to say "established for these airports, except for MCAS Miramar." The landfill site is near the outside edge of the AIA for MCAS Miramar.

As the comment acknowledges, the EIR explains that the northern 500 feet of the existing landfill property is within the Airport Influence Area of the MCAS Miramar. As a result, the applicant submitted the Project to the San Diego Airport Authority for a consistency determination to confirm that the Project is consistent with the existing Airport Land Use Compatibility Plan (ALUCP). The Airport Authority, after review of the Project, has confirmed that the Project is consistent with the ALUCP.

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RESPONSES TO COMMENT LETTER RECEIVED FROM LOUNSBERY, FERGUSON, ALTONA, & PEAK, LLP, ATTORNEYS AT LAW, SIGNED BY FELIX M. TINKOV, ESQ., JOHN W WITT, ESQ., KEN H. LOUNSBERY, ESQ., DATED APRIL 6, 2008 (LETTER N3) (continued)

**Response to Comment N3-9:**

Please see the Response to Comment N3-7 above regarding 167 v. 267 feet increase in landfill maximum height. The increase over the existing permitted height is 167 feet. The existing permitted height, and, therefore, the Project height, varies, depending on the topography. Detailed information about the Project landform changes is provided in EIR Figure 4.2-5, page 4.2-15.

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Comment  
Letter N3  
(cont'd.)

DEIR states that the increase will be either 167' or 267' (depending on which page of the DEIR you are reading), but a deeper review of the technical studies reveals that some portions of the Project will swell in excess of 350'. It is convenient to disregard these increases since these areas lay below the maximal height of the landfill, but in actuality, they represent potentially greater impacts due to their larger variation from the existing conditions.

N3-9  
(cont'd.)

5. This Project is proposed and this DEIR is presented in a vital but totally undisclosed context. The context that should be disclosed in this document but is not, is the context of project need. Is this Project needed, at all or in part? If not now, when, if ever? The City's decision makers and the public at large must understand the magnitude, timing and geographic distribution of the need for this project in order to understand whether the proposal is appropriate relative to the effects that it may induce. This landfill is part of San Diego County's infrastructure systems, systems on which the entire County depends. While now privately owned, it may be considered a public facility and, in fact, until its sale in 1999, was publicly owned for the large majority of its existence. Expectations for public facilities having public purpose are different that they are for facilities that are to be privately owned, occupied and operated, all for private purpose. Public facilities must be scaled to their need, and located where they can be expected to optimize their respective functions because public resources are involved, whether those resources include publicly owned open space and recreational facilities, roadways and freeways, or how much the public will be charged by home cities for refuse disposal, and even how much of the City of San Diego's future treasury can realistically count on due to the proposed expansion of Sycamore landfill. This Project proposes a virtual monopoly on landfilling in San Diego County for the next 25 years. Without a clear understanding of the need for such a proposal, the project, itself, cannot be understood. For public facilities, need is fundamental to project objectives. Without an understanding of need, project objectives become a trite, ungrounded expression of interests quite out of context with the reality in which the proposal is made. This DEIR evaluates a regionally significant project but without any disclosure of the need for the project at all, as if to say, "Take it on faith that this applicant can be trusted with the public's resources." But reasonable questions emerge. What is the need for this project? Where and when will the waste be generated that accounts for this need? Why does such a gigantic amount of capacity and daily in-flow that will, if ever, be responding to conditions that are barely understood today, need to be approved in one fell swoop when progressive consideration and phased decision making would respect the public's interest so much better?

N3-10

6. Although the DEIR describes the Sycamore Landfill and its proposed expansion as a regional project, the impacts analysis is markedly local in terms of describing project need and project effects. Not only does the DEIR provide little information regarding county-wide management of waste, including other sites available to receive anticipated trash increases, the document takes a geographically narrow view of the project's individual and cumulative impacts on a wide array of resources. There is little discussion, for example, of regional loss of affected plant species such as the variegated dudleya and Nuttall's scrub oak. Likewise, the DEIR assumes that the 350% increase in landfill-related traffic will have virtually no impacts outside the SR-52 corridor – an assumption that defies common sense and basic traffic modeling principles. The myopic focus of the DEIR largely explains why the cumulative impacts analysis

N3-11

N3-12

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Response to Comment N3-10:

See Response to Comment L4-4.

Response to Comment N3-11:

The EIR recognizes the regional significance of the variegated dudleya and Nuttall's scrub oak and considers impacts to these species to be significant. As stated in the Biological Technical Report and Translocation Plan, the regional status of Nuttall's scrub oak is recognized as CNPS List 1B, and variegated dudleya is recognized by its status as:

- a covered species in the City of San Diego MSCP;
- a narrow endemic in the MSCP Subarea Plan;
- CNPS List 1B; and
- CDF&G Natural Diversity Data Base List of Special Plants which meet the criteria for state listing under CEQA.

Response to Comment N3-12:

The municipal solid waste truck traffic would be in the region whether the Sycamore Landfill expands or not. The generation of municipal solid waste is assured, whether or not Sycamore Landfill is available to accept the increased waste. If waste generation in the mid-County area continues to be served by the Miramar Landfill and Sycamore Landfill, the question of Project distribution (which transportation corridors are affected by waste truck traffic) is determined by Miramar Landfill's closure date. When Miramar Landfill closes, the only change in regional distribution outside of the corridor would occur on SR-52 between Conyoy Street (Miramar Landfill) and I-15. Upon closure of Miramar, trips from west of Miramar would then continue east on SR-52 past I-15, but trips from east of Miramar on I-15 would go east on SR-52 instead. This focused change in regional distribution is not expected to generate additional Project-related impacts.

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(cont'd.)

is so short and thin, and why impacts on surrounding jurisdictions (e.g., City of Santee) are largely ignored. Unfortunately, for a project of this magnitude such a tightly-drawn analytical corset is inappropriate. SLI indicates that the expanded landfill will function as a kind of gravitational center for county-wide waste disposal in the coming years (the so-called "centroid" theory), yet the DEIR refuses to take responsibility for analyzing the impacts such a regional facility will create.

7. The DEIR suffers from a lack of up-to-date technical studies. In many cases, the DEIR's impacts assessments are based on technical reports that are more than five years old, even though SLI and the City have had ample opportunity to conduct new studies and prepare new reports. What's worse, the actual data included in the reports is occasionally of even older vintage. This creates at least two practical problems, both of which have legal implications. First, the reliance on old data – especially when newer data exist and is readily at hand – destabilizes public confidence in the City's ability to demand a full and proper accounting of the project's environmental effects; it also runs counter to the basic CEQA rule that DEIRs be based on the best available technical information. Second, by using old data to construct the "existing conditions" description, the DEIR provides an inaccurate and potentially deceptive baseline from which to conduct its impact analyses, which is a clear failing on the part of the preparer. (*Save Our Peninsula Comm. v. Monterey County Bd. Of Supervisors* (2001) 87 Cal4th 99, 125) As a result, the entire CEQA analysis is rendered unreliable from the outset.

8. The DEIR also withholds key information regarding SLI's history of non-compliance with regulatory rules, requirements and directives. For example, the DEIR fails to disclose that in the past year alone the Local Enforcement Agency (LEA) has cited SLI 12 times for not adequately controlling methane gas releases at the current landfill site – releases that are 10 times the applicable threshold. The DEIR also fails to disclose that since 2002, SLI has exceeded its dumping limits at the landfill 140 times, reflecting a pattern of non-compliant behavior which, by all available evidence, has not changed. These violations should have been discussed in the DEIR so that the public could intelligently assess the assumptions, analytical findings, and mitigation claims advanced by SLI in the document. Indeed, these violations and the circumstances surrounding them form part of the "existing conditions" that must be described fully in the DEIR. While this malfeasance may be viewed as a regulatory matter rather than an environmental matter such habitual behavior plainly has physical implications. In failing to mention them, the DEIR paints an incomplete and misleading picture of those conditions. One must also doubt whether SLI can be counted upon to satisfy its mitigation responsibilities if the project were to be approved. Such a strong and recent history of non-compliance gives the public little reason to rely on SLI's commitment to implement fully the mitigation measures it has proposed. That the City has abetted SLI in withholding this information from the public raises similar questions as to its willingness to enforce those mitigation measures. When one considers that the City receives a "tipping fee" for each ton of waste hauled to Sycamore Landfill – a fact not disclosed in the DEIR – there is all the more reason to press the City for analytical rigor during the CEQA process. Unfortunately, the DEIR's impact assessments are anything but rigorous.

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N3-15

RESPONSES TO COMMENT LETTER RECEIVED FROM LOUNSBERY, FERGUSON, ALTONA, & PEAK, LLP, ATTORNEYS AT LAW, SIGNED BY FELIX M. TINKOV, ESQ., JOHN W WITT, ESQ., KEN H. LOUNSBERY, ESQ., DATED APRIL 6, 2008 (LETTER N3) (continued)

Response to Comment N3-13:

All potentially significant impacts from the Project have been analyzed and all feasible mitigation measures would be implemented. However, there are significant unmitigated impacts associated with the Project. In addition, impacts to surrounding jurisdictions, primarily the City of Santee, were included in the analysis. The EIR indicates that the Sycamore Landfill site is very centrally located relative to the distribution of County-wide populations (and waste generation). Thus, it has the opportunity to minimize waste travel distance, travel energy use, and haul air emissions relative to other existing or proposed disposal sites. The only existing landfill that is closer to the existing and projected future centroid of County population is Miramar Landfill, and that is expected to close by approximately 2016, even if the proposed height increase sought by the City for Miramar Landfill is approved.

Response to Comment N3-14:

The City of San Diego disagrees with the premise of this comment. The NOP for the EIR was published on April 9, 2003. Because of the complex nature of the Project and a period of approximately one year the Applicant coordinated with the City of Santee and other interested organizations, the EIR was not released for public review until February 21, 2008. Much of the field work and the technical studies that serve as the basis for the EIR were primarily begun in 2003. The City of San Diego was aware of this fact prior to publishing the EIR and required evidence be submitted documenting the continued relevance of the older data. The older data was also relied upon since State CEQA Guidelines Section 15125 (e) requires a EIR to examine the existing physical conditions at the time the NOP is published. This issue is specifically raised in the following comments, thus more specific responses are provided below.

The case of *Save Our Peninsula Comm. V. Monterey County Bd. Of Supervisors* (2001) 87 Cal. App. 4th 99, 125) stands for the proposition that the baseline is established as close as possible to the time of the notice of preparation – in this case, that was in April 2003. "Existing conditions must be evaluated as closely as possible to the date the notice of preparation of the EIR is filed, as that is the date the Project is officially commenced within the meaning of CEQA." *Id.* The court stated that an EIR cannot adequately analyze the impacts on the environment if it does not start with a description of the physical conditions existing on the property at the beginning of the environmental review.

This is supported by section 15125 of the Guidelines, which states in subdivision (a) that: "An EIR must include a description of the physical environmental conditions in the vicinity of the Project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced .... This environmental setting will normally constitute the baseline

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RESPONSES TO COMMENT LETTER RECEIVED FROM LOUNSBERY, FERGUSON, ALTONA, & PEAK, LLP, ATTORNEYS AT LAW, SIGNED BY FELIX M. TINKOV, ESQ., JOHN W WITT, ESQ., KEN H. LOUNSBERY, ESQ., DATED APRIL 6, 2008 (LETTER N3) (continued)

**Response to Comment N3-14: (cont'd.)**

*physical conditions by which a lead agency determines whether an impact is significant.*" (italics added.) Furthermore, section 15126.2 now provides as follows: "In assessing the impact of a Project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced."

**Response to Comment N3-15:**

See Response to Comment L3-4.

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# Comment Letter N3 (cont'd.)

9. While the DEIR is more than a simple compendium of the technical appendices, it should at least faithfully reflect the data and findings set forth in those technical appendices. In more than a few instances, each of which is discussed below, the DEIR for the landfill expansion project is weirdly out of synch with the technical studies that form its scientific backbone. This situation must be corrected before the DEIR can function as the public disclosure document intended under CEQA.

10. The Project seeks to obtain easement vacations from the City of San Diego, but no analysis is made with regard to the loss of private rights of access and other property interests to those parcel owners whose properties these easements intersect. The loss of property rights is a significant impact in economic terms to property owners and should be reviewed by this DEIR, as such actions are tantamount to eminent domain proceedings.

11. The DEIR identifies a host of significant project impacts, but in most cases the document concludes that those impacts can be reduced to insignificant levels through implementation of various mitigation measures. On its face, this is a reasonable and typical position to take, provided evidence in the record demonstrates that the mitigation measures proposed will actually perform as promised. This is where the SLI Landfill Expansion DEIR breaks down. Repeatedly, the DEIR makes aggressive claims regarding the impact-blunting effects of various mitigation measures, but provides no technical data or other proof to back them up.

12. On a number of occasions, the DEIR concludes that the mitigation measures necessary to reduce an impact to insignificance are infeasible and, for that reason, will not be adopted as part of the Mitigation Monitoring Program. The DEIR, however, fails to articulate *why* the mitigation measures are infeasible. It does not identify what economic, environmental or technical constraints prevent SLI from implementing the measures in question. In most cases, the context suggests that the mitigation measures have been rejected on the basis of *economic* infeasibility. Such a determination, however, must be supported by substantial evidence in the record, including information regarding the profits SLI stands to make once the expanded landfill is operational. Without these kinds of financial data, there is no way to test SLI's claims that certain mitigation measures are infeasible.

In short, an adequate DEIR must be "prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences." (CEQA Guidelines §15151) If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. (*Laurel Heights* at p. 392) An environmental impact report "must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Id.* at p. 405) If an environmental impact report is intended to provide "accountability and serve[s] as an environmental alarm bell to agencies and the general public" then this DEIR fails this basic legal test and must be denied certification.

N3-16

N3-17

N3-18

N3-19

N3-20

RESPONSES TO COMMENT LETTER RECEIVED FROM LOUNSBERY, FERGUSON, ALTONA, & PEAK, LLP, ATTORNEYS AT LAW, SIGNED BY FELIX M. TINKOV, ESQ., JOHN W WITT, ESQ., KEN H. LOUNSBERY, ESQ., DATED APRIL 6, 2008 (LETTER N3) (continued)

## Response to Comment N3-16:

Comment noted. Responses to specific comments are found below.

## Response to Comment N3-17:

As shown in EIR Figure 4.1-3, SLI has proposed new road easements to replace any that would be formally vacated as a result of this Project. Under the plan, all existing property owners in the East Elliott area would retain legal access to their properties. No loss of property rights is proposed or would occur. There are no significant impacts that result from the easement vacations.

## Response to Comment N3-18:

Comment noted.

## Response to Comment N3-19:

Comment noted.

## Response to Comment N3-20:

Comment noted.

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Comment  
Letter N3  
(cont'd.)

## II. SPECIFIC COMMENTS

All potential impacts must be analyzed in an environmental impact report. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692). The DEIR fails to follow this fundamental tenet of CEQA. The following is a list of the DEIR's inadequacies which, though not exhaustive, points to a significant failure on the part of the preparers to critically examine the impacts of the Project.

### Project Description:

1. According to §3.2.1, daily in-flow at the landfill is permitted to maximally accept 3,965 tons, and a future maximum daily in-flow of 13,000 tons is proposed. All analyses of operational impacts presented in later sections of the DEIR are based on this maximum rate of daily in-flow, and no analysis is made of the proposed intermediary haul limits. If the Project proposes to stage its construction, a critical review of each stage is necessary to gauge impacts.

2. Appendix D3 states that the tonnage of greens and C&D materials entering the site is to be counted by CIWMB and the LEA against the permit limits, unlike the existing system. As a result, SLI will be seeking changes to the daily tonnage for 2010 and 2025. According to Table 1 it appears that the total daily in-flow in 2010 would need to be 12,000 tons rather than 9,400 tons, and that in 2025 total daily tonnage would need to be 16,500 tons per day rather than the 13,000 tons cited in the Project Description. Therefore, one is left to wonder whether the proposal is requesting a permit to accept up to 13,000 tpd of municipal solid waste or 16,500 tons per day including 3,500 tpd of greens and C&D materials? If the latter, this DEIR has failed to clearly describe the project and has failed to evaluate the actual proposal for potential impacts.

3. The DEIR has been prepared in such a way as to make the public's determination of the actual scope of work proposed difficult, if not impossible to understand. For instance, in the traffic study and the body of the DEIR, the Sycamore Landfill proposes to operate 24 hours a day/7 days a week, but, as if to hedge their bets, the Project is analyzed as operating only during current daytime working hours/6 days a week. There are even sections which dismiss the 24/7 operation in favor of the existing hours and make no mention of the proposal to increase hours/days of operation. No rational analysis can be made of a Project which fails to describe its own described scope.

4. SANDAG forecasts that the County, as a whole, will experience a population growth rate of approximately 25 percent over 2007 levels by 2030. If this is so, even with a near-term closure of the Miramar Landfill (which assumes the City will fail to expand Miramar Landfill, though such an assumption seems invalid at this point), it is unreasonable to expect that daily in-flow at the Sycamore Landfill would need to increase by more than 225 percent over current permitted levels. The DEIR provides no data to reflect the purported need for an

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N3-23

N3-24

N3-25

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#### Response to Comment N3-21:

Comment noted.

#### Response to Comment N3-22:

The comment is incorrect. Potential differences in MSW intake may result in differences in environmental impacts related to traffic, noise and air quality. In each of these analyses, one or more intermediate levels of intake between the present 3,965 tpd and the requested future maximum of 13,000 tpd were addressed.

#### Response to Comment N3-23:

Both the traffic generation tables in the LLG traffic report, EIR Appendix D1 (Tables 5-3, 5-4 and 5-5) and the traffic generation Table 4.4-3 in the EIR, page 4.4-8 are consistent. Both identify Project ADTs of 3,040, 5,270 and 6,880 at Project approval, 2010, and 2025. Those ADTs include all traffic for all waste streams to come to the landfill, as detailed in EIR Table 3.2-3 (page 3-32). The EIR evaluated the tonnage for all waste streams. The Project description in Section 3.2.2.1 of the EIR explains that the LEA requested projections for tonnage and number of vehicles for all waste streams, not just municipal solid waste. That tonnage is shown in Table 3.2-3 of the EIR. Also, it is referenced in the Traffic Study contained in Appendix D3, in which vehicle counts for the daily tonnages of recyclable materials such as green material and C&D material were included. Column 10 of Table 3.2-3 references the requested daily tonnage limit of all materials received at the facility.

#### Response to Comment N3-24:

Please see Response to Comment L4-39

#### Response to Comment N3-25:

See Response to Comment L4-4.

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# Comment Letter N3 (cont'd.)

expansion of any size, let alone one which would more than double its existing capacity when the population is expected to grow by only 25%. Clearly, the public cannot determine whether a project objective is appropriate if the DEIR provides inadequate data to prove up the necessity of the objective. Further, the failure to consider the Miramar Landfill's extension is improper as it should be considered a future project for the purposes of this DEIR.

5. The DEIR cites eleven (11) separate objectives for the Sycamore Landfill Master Plan. The objectives are remarkably narrow in scope, and appear to solely favor the Project, over any other possible alternatives. Further, the objectives do not relate to the CIWMP which establishes the framework for solid waste management in the County. Thus, it seems that the Project's objectives do not implement the CIWMP vision for solid waste management.

## Land Use Impacts:

1. Pursuant to CEQA Guidelines §15125(d), the DEIR must discuss any inconsistencies between the proposed project and applicable general plans and regional plans. Section 4.1.2.2 of the DEIR describes the Project as compliant with a 2006 Draft General Update for the City's General Plan. This is an inappropriate criteria for review, as CEQA Guidelines §15125(e) requires that the plan in effect at the time of the Notice of Preparation be studied.

2. The Project fails to review its consistency with local/regional plans including the County Integrated Waste Management Plan (CIWMP). It is conceivable that the DEIR drafters failed to review project consistency with the CIWMP because it refers to alternative landfills, which does not fit with the project proponent's desire to appear as the only potential resource for landfill dumping in the region. Clearly, the CIWMP provides for several other landfills, some of significant magnitude and capacity, such as the Gregory Canyon Landfill and the expansion of the Miramar facility, which have the potential to reduce or completely relieve any purported strain on the existing Sycamore Landfill.

3. It is unclear from the discussion on page 4.1-7 why most of the undeveloped landfill area has been excluded from the MHPA and is "white-holed." The entire site does not appear to be disturbed. It does not appear that the biological resources on the entirety of the property have been properly disclosed and conserved, in light of the Project site's central position within the open-space MSCP land. Without information regarding the undeveloped (later Stage portions of the landfill) it is not possible to determine what impacts the proposed Master Plan expansion will have on the environmentally sensitive land surrounding property.

4. No analysis is made of the storage methodology for intercepted hazardous materials. Without knowing the meaning of "temporary" storage on the site, or the meaning of "periodically" sending the hazardous wastes off-site, how can the public determine whether the potential impacts of this storage and shipment has been properly analyzed and impacts are less than significant? No information is presented as to how hazardous materials are stored, managed, handled or disposed of, leaving the reader with no analysis of these impacts. Nor is there any review of the onsite hazardous waste capacity or the risks of fire, explosions, chemical

N3-25  
(cont'd.)

N3-26

N3-27

N3-28

N3-29

N3-30

RESPONSES TO COMMENT LETTER RECEIVED FROM LOUNSBERRY, FERGUSON, ALTONA, & PEAK, LLP, ATTORNEYS AT LAW, SIGNED BY FELIX M. TINKOV, ESQ., JOHN W WITT, ESQ., KEN H. LOUNSBERRY, ESQ., DATED APRIL 6, 2008 (LETTER N3) (continued)

## Response to Comment N3-26:

SLI is a private landfill facility, the Project objectives reflect that fact. However, 6 of 11 Project objectives would assist the jurisdictions within San Diego County to achieve their source reduction recycling elements (SRREs) and to demonstrate that 15 years of countywide or regional permitted solid waste disposal capacity would be available. The vision of the CIWMP is thus incorporated into the Project objectives.

## Response to Comment N3-27:

The EIR analyzes any inconsistencies between the Project and the applicable general plans, including the general plan that was in existence at the time of the NOP as well as the general plan that, although only proposed at the time of the NOP, has since been adopted by the City. The purpose of the required analysis is to identify inconsistencies that should be evaluated to determine if they would result in a significant environmental impact. Under Section 15125(d), EIRs are to analyze any "inconsistencies" with applicable plans; no analysis is required of the consistencies between the project and the plans.

Using the guidelines of Section 15125(d), the EIR analyzes the only portions of the prior general plan that created potential inconsistencies; namely, the Strategic Framework Plan and the relevant community plan. In addition, the EIR went further than it was required to go, and also evaluated the potential inconsistencies between the Project and the General Plan that was in draft form at some points of the project processing, but has since been adopted and is now applicable to the Project.

## Response to Comment N3-28:

The contents of the CIWMP Siting Element are summarized in EIR Sections 2.3.1.8, 3.2.1.5 and 3.2.3.2. EIR Section 3.2.3.2 states that, for the Project to be approved, it must be found consistent with the CIWMP Countywide Siting Element by the San Diego LEA, and that the LEA's consistency finding must be affirmed by the CIWMB. The proposed expansion is consistent with the 2005 San Diego CIWMP Siting Element. The 2005 CIWMP anticipated the Sycamore Landfill would be expanded to a capacity of 162 mcy, which is essentially consistent with the 157 mcy described in the EIR. The CIWMP describes daily throughput at Sycamore at about 12,000 tons per day, similar to the 13,000 tons per day addressed in the EIR. The biggest difference is that the Siting Element assumed the daily throughput capacity would be available at Project approval. The Project includes a stepped increase of waste acceptance, which is specifically noted in Siting Element Table 3.4 footnote (2), but is not reflected in the body of the table itself.

The Siting Element does include the proposed Gregory Canyon Landfill, but does not include the recent SWFP modification at Sycamore to increase daily tonnage or to recognize additional capacity. Also, the

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**Response to Comment N3-28: (cont'd.)**

Siting Element does not consider an expansion of the Miramar Landfill. Please see Response to Comment L4-4, which provides more detail on consistency with the CIWMP, and updates Siting Element information related to the physical capacity and daily acceptance of the solid waste system in San Diego County.

**Response to Comment N3-29:**

The exclusion of the landfill site from the Multi-Habitat Planning Area (MHPA) ("white-holed") was determined by the Resource Agencies and the City of San Diego at the time that the Multiple Species Conservation Program (MSCP) and MHPA were established. This was done since it was known at the time the most of the site was planned for landfill development, which would remove most of the native habitat remaining. The vast majority of the landfill site has been planned for landfilling since at least as early as the City's issuance of a conditional use permit in 1974, thus when the MSCP Subarea Plan and the MHPA were planned in the late 1990s, it was with the knowledge that the land was planned for landfilling and therefore would not be appropriate MHPA, hence the "white hole." The biological resources present on portions of the site that were planned for development under the existing landfill Staged Development Plan were identified and mitigated under MND and PDP/SDP 40-0765. A summary of impacts and mitigation determined under that permit is contained in EIR Appendix C4, in Volume 1 of the Appendices. Biological resources within areas outside of the Staged Development Plan, but within the Project boundaries, are identified, addressed, and mitigated under this EIR. Remaining lands outside the Master Plan disturbance boundaries but within the white-holed site would not be disturbed. As described in the EIR, direct impacts associated with biological resources are being mitigated, and the only cumulatively significant biological impact is to native grasslands. See the discussion in Section 5 of the EIR.

**Response to Comment N3-30:**

The facility's Hazardous Materials Business Plan for Sycamore Landfill Inc. dated March 12, 2008 outlines the location of temporary storage of hazardous materials including any hazardous wastes identified in the waste stream. The plan is referenced in the EIR and was made available at the City Clerk's office and/or Development Services Department or LEA during the comment period. This regulatory required plan outlines emergency procedures for safety, spill response and communication as well as structural containment for storage of these materials and indicates inspection frequency for these wastes as well as for other materials used on site such as diesel fuel, propane, waste oil, motor oils and antifreeze. The California Health and Safety Code defines "temporary" storage of hazardous materials and waste as 90 days or less. The Hazardous Waste Exclusion Program, which also more fully describes the temporary storage of hazardous waste in more detail, and is contained in Appendix O of the EIR.

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escape or other dangerous events which may arise due to the presence or handling of these hazardous materials.

5. No consistency analysis is made with regard to the handling hazardous materials on the Project site with all of the applicable general and regional plans.

6. DEIR §4.1.4.2 conflicts with Environmentally Sensitive Lands (ESL) regulations where the City's Steep Hillside Guidelines Standard 2 states that "development shall be designed to minimize grading." The DEIR maintains that this ESL policy "is not applicable to development of a landfill," but the conclusory statement does not appear to be grounded on any exclusion made in the text of the City's guidelines. One must presume that the City's ESL regulations and standards mean what they say, in which case the Project, with its continuous grading activities, cannot be said to be in compliance. Instead, the DEIR's preparers state, as fact, the baseless conclusion that landfills are exempt to the ESL rules on grading, and that the Project is consistent with City policies.

7. The Project proposed is not in compliance with San Diego Municipal Code (SDMC) §131.0665 (Outdoor Amenities in Industrial Zones), which requires that in an IH zone (the Project is requesting a rezone to an IH-2-1 zone) "development on a premises that exceeds 10 acres in area shall include an outdoor eating and/or recreational facility. The outdoor amenity shall be at least 2,000 square feet in total area and shall be developed as usable space." The Project has not proposed such an outdoor amenity, though it would seem to be required since the site is greater than 10 acres in area. Either the project description needs to be modified or a variance ought to be added to the request.

8. The DEIR failed to perform a consistency analysis with the Mission Trails Regional Park Master Plan, which is a local park with significant views of the landfill. The Park's Master Plan and other guiding documents discuss the Sycamore Landfill, but the DEIR does not return the favor. This omission may result in the public missing an opportunity to review potentially significant impacts on the park.

Landform Alteration/Visual Quality Impacts:

1. Figures 4.2-1, 4.2-3, and 4.2-4 purport to identify the areas from which the proposed landfill expansion will and will not be visible. These figures show a series of four topographic cross-section lines through the project site and surrounding areas. Figure 4.2-5 then presents the cross sections, calling out the areas from which the proposed landfill will not be visible. Unfortunately, the figures are not accurate. In Figure 4.2-5, Sections A-A', B-B' and D-D' clearly identify areas from which the completed landfill will not be visible, while Figures 4.2-1, 4.2-3 and 4.2-4 do not identify these same areas with the PNV notation signifying "Project Generally Not Visible from this Area." The cross sections presented in Figure 4.2-5 may be representative of some cross sections somewhere, but not the cross section lines depicted in Figure 4.2-4. Therefore, either the mapping of areas of visibility on Figures 4.2-1, 4.2-3 and 4.2-

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**Response to Comment N3-31:**

The landfill is an existing permitted facility operating in accordance with applicable regulations regarding the acceptance and handling of hazardous materials. This is described in the EIR in Table 1-1 and in Section 7.6.1. The landfill would continue to operate under these applicable regulations.

**Response to Comment N3-32:**

The Project requests a deviation regarding grading as provided for in the City of San Diego Environmentally Sensitive Lands (ESL) regulations' alternative compliance provisions. This is discussed in Section 4.1.4.2 of the EIR, which explains that the landfill, because of its intrinsic characteristics and that of the site, cannot comply with the strict steep slope regulations that were designed for other forms of land development. The Project would minimize its grading to the maximum extent feasible. However, grading for an efficient, effective landfill operation is substantially different than the grading required for a residential or commercial development typically addressed under ESL. In addition, substantial acreage at the site has developed since 1963 when the County began operating the landfill, and those historic grading operations already have exceeded the steep slope guidelines of ESL. For these reasons, Alternative Compliance, as described in LDC 143.0151, has been requested as one of the City approvals. The request for a deviation and use of Alternative Compliance has been added to the discussion of the requested entitlements on page 1-14 of the Final EIR.

**Response to Comment N3-33:**

The Applicant is pursuing a deviation from the Outdoor Amenities in Industrial Zones requirement of San Diego Municipal Code (SDMC) Section 131.0665. Such a deviation can be granted by City Council as part of the requested PDP. The requested deviation has been added to the list of requested entitlements in Section 1.6 of the EIR.

**Response to Comment N3-34:**

The Project is not within the Mission Trails Regional Park (MTRP). Potential visual impacts of the Project have been addressed in the EIR's visual analysis, Chapter 4.2, pages 4.2-18, 4.2-47 and 4.2-48. As the comment indicates, the Master Development Plan for Mission Trails Regional Park (MTRP Plan) identifies the "500-acre sanitary landfill in Little Sycamore Canyon" as an encroachment on area "naturalness" (Park Plan, page VIII-2). It does not contain any policies related to views of the Sycamore Landfill from the MTRP, however, other than recommending that an analysis be prepared addressing "ultimate reuse" of the landfill site, and identifying "possible interrelationships with the regional park" (MTRP Plan, page III-4). The

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**Response to Comment N3-34: (cont'd.)**

ultimate reuse of the site is as open space, and the on-site buildings have been designed to be consistent with the buildings at Mission Trails Regional Park.

**Response to Comment N3-35:**

Figure 4.2-5 provides the most detailed information on anticipated Project visibility, along the lines of four cross-sections passing through the proposed landfill landform. The areas with the grey shading show locations where, because of intervening topography, none of the landfill would be visible. The most important information plotted in Figures 4.2-1, 4.2-3 and 4.2-4 are the locations of various landscape unit types, the existing approved and proposed landfill plans, and the locations of various viewpoints from which photographs were taken and visual simulations were prepared. Those three figures also show generalized areas within which little or no visibility of the future landfill is expected (labeled PNV, for "Project Not Visible"). In general, those figures show that the completed landfill is expected to be visible from much of Santee, from the northeastern part of Mission Trails Regional Park, from the western side of Spring Canyon, and from Fanita Ranch. While the generalized "PNV" areas shown in Figures 4.2-1, 4.2-3 and 4.2-4 may have minor visibility discrepancies compared to Figure 4.2-5, the PNV descriptions were intended to provide general locations. Moreover, refinements would not result in any change in the EIR's conclusion that the visual/landform impacts would be significant and unmitigable.

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4 are wrong, the cross sections in Figure 4.2-5 are wrong, or they are all wrong. In short, this critical and sensitive issue cannot be reliably evaluated without the correct information.

2. In §4.2.2.4, no basis is provided for concluding that viewers, from the nearby school properties, including students, teachers, parents and visitors, will only have views for a "short duration." Instead, the DEIR presumes that all viewers on such site are focused on matters other than their surroundings. Apparently, the DEIR preparers believe that during recess, outdoor learning activities, and sporting events all persons on the premises will avert their eyes from the mountain of trash looming over the natural hilltops in the area. These sensitive receptors are dismissed as being different from those engaged in other forms of active and passive recreation viewing the landfill; but from a visual impact perspective they are indistinguishable.

3. The DEIR mentions views from the Carleton Oaks Country Club, and shows a photographic view from the property as it purportedly exists today, but fails to show how the addition of several hundred feet of garbage on top of the existing landfill summit and elsewhere will affect the visual quality of this active recreation area. This is perhaps because the golf course is mostly within the bounds of the City of Santee. Note, however that while over 70 acres of the course is owned by the City of San Diego, and the remainder of the property is within the City of Santee's boundaries.

4. In §4.2.2.5, the DEIR emphasizes that only public viewpoints were evaluated in the DEIR because neither the City nor CEQA protect private views. This presumption is without basis in fact and law. The City's visual significance criteria makes no such distinction and the courts have ruled that significant impacts on private views must be analyzed under CEQA. (*Ocean View Estates Homeowners Assn. v Montecito Water Dist.*, (2004) 116 Cal. App. 4th 396). Further, private views appear to be of significance to the City, as the City's nuisance laws, which are fashioned on California Civil Code Section 3479 *et seq.*, which states that "Anything which is... is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life... is a nuisance." The presence of a trash heap over 1,000 feet tall can be reasonably regarded as offensive to the senses, and interruptive of "the comfortable enjoyment of life." Further, the City's Municipal Code proscribes public nuisances to private parties which are defined as "any condition caused, maintained or permitted to exist which constitutes a threat to... a neighborhood, community or to any considerable number of persons. (See §11.0210 and §12.0204) It is contradictory then that the DEIR fails to analyze impacts on private views given the controlling law on the subject. Moreover, a failure to study these potential impacts greatly limits the ability of the public to determine what landform alterations may affect their private property, thus giving no consideration for readers to make a reasoned conclusion as to the scope of the Project. There is no description or list of those private views which would be visually affected and therefore one cannot determine the significance of the Project's impacts on them, though the DEIR does briefly mention their existence.

5. On page 4.2-39, the DEIR states that "The 21 new transmission line structures on the eastern slope of Spring Canyon would also be visible to hikers, runners and bicyclists

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## Response to Comment N3-36:

The EIR determined that the impacts from the Project to visual quality were significant and unmitigated, despite mitigation requiring contour grading, vegetation and other measures to reduce the impacts on all viewers.

## Response to Comment N3-37:

As Section 4.2 of the EIR shows, viewpoints within the City of Santee were considered in the EIR. The EIR analyzed a number of viewpoints, including 13 viewpoints that were within the boundaries of the City of Santee, all of which were carefully selected based in large part on input from staff at the City of Santee. Moreover, the EIR concluded that impacts from the Project to views would be significant and unmitigated, so it did not attempt to downplay any view impacts regardless of the location of the viewer.

## Response to Comment N3-38:

See Response to Comment L4-53.

## Response to Comment N3-39:

EIR Appendix V1, page V-23, provides data to substantiate the generalized statements made in the EIR text regarding the number of visitors, and their activity level. The "unofficial" character of the trail may have a bearing on the numbers of trail users; if so, that degree of use factor was considered in the analysis. See Appendix V1. In addition, the transmission lines that exist today at the landfill are visible to hikers, bikers and runners who use the nearby trails, so the view of transmission lines would continue to exist in the same general area, just along the side of the landfill rather than diagonally through it.

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following the existing but unapproved trail in Spring Canyon. However this was found to not constitute a significant visual impact because of the unofficial status of the trail, the relatively low number of visitors to the area, the activity level of the visitors...." The DEIR provides no data backing up "low number of visitors" nor their "activity level." It is simply a groundless conjecture that there is no significant visual impacts. Further, the status of a trail, whether official or not, does not dictate the quality of the visual aesthetics of an area; to the contrary, it may be that an unofficial trail is more pristine and natural than an official one, and therefore the imposition of additional man-made, large metallic structures would tend to have an even greater significance with regard to visual impacts.

Traffic Impacts:

1. The traffic/circulation analyses are obsolete, and illustrative of a Project that has been in process for approximately five years without benefit of regular updates to all technical studies. The freeway volumes cited in §4.4 of the DEIR and the associated Technical Reports in Appendices D1, D2, D3 and D4 appear to be based on 1999 counts, rather than available 2006 counts. The future volumes are based on projections made at least five years ago with equally old land use and network assumptions. The traffic analysis should not only validate that site generation has not changed since 2003 (or 1999 for the freeways), but also empirically establish that area traffic patterns and planned development have not changed in the last five to nine years so that projections of future conditions are both current and accurate. Further, it is surprising that the traffic study is based upon a single day's manual traffic counts in August of 2003 (when school was out), for a project of this magnitude. It would seem that appropriate measures would include traffic study over several days, with school in session, and the use of automatic counters (e.g. rubber strips) rather than manual counting, which cannot be recorded and is prone to significant error. Therefore, it is clear that traffic study was inadequate at the time of its preparation, and is now both deficient and outdated.

2. Since the traffic study was formulated in 2003, the DEIR continuously it refers to "future" actions, other projects and conditions at the Sycamore Landfill as occurring in 2007. Further, the weakness of the traffic analysis is made more clear by virtue of the fact that we now have the ability to check these "projections" against real traffic conditions. When such a check is performed, one finds that the projections fall well short of the actual vehicle counts. In other words, the existing conditions vary significantly from the predictions of the DEIR. Thus, the traffic modeling is incorrect and needs to be revised.

3. In Section 4.4.1.1 of the DEIR, the traffic analysis assumes, without evidentiary support, that the vast majority of project-generated vehicle trips will use SR-52 and then disperse without relying on surface streets except in the immediate vicinity of the landfill. This assumption artificially minimizes the size of the study area. As a result, a total of only four arterial and/or surface street intersections are analyzed in addition to the freeway ramps at Mast Boulevard and the freeway itself. This woefully understated scope of the potential impacts is unreasonable given the Project's goal of becoming the primary depository of municipal solid waste generated throughout the entire County of San Diego. Since the Project would increase

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**Response to Comment N3-40:**

The traffic volumes were conducted in August 2003. The traffic-count consultants reviewed the driveway geometrics, and, based on the width of the driveway and the percentage of heavy vehicles, recommended against using tubes. Accuracy is compromised with multiple-axle trucks striking the tubes at an angle at the mouth of the driveway. There was also a high likelihood of the tubes being dislodged or damaged due to the weight of the vehicles. Therefore, manual counts were conducted for every hour of daily operation, which also provide the ability to determine hourly distribution to and from the driveway. Also, manual counts produce records just as tube counts do, and these are provided in Appendix D. Finally, a single day of data collection is the standard for intersection counts in San Diego County.

To account for the school traffic, the August counts were augmented by additional counts conducted when school was in session, and the resulting analysis therefore included school trips.

LLG shared concerns that traffic volume counts were in excess of 2-3 years. LLG prepared the validation memo referenced in Appendix B. This memo shows that counts conducted in February 2006 were between 4% and 23% lower in five of six peak hours counted at the interchange and Project driveway. The sixth peak hour showed an increase of 8%, which is within the 10% envelope of daily variation generally accepted as normal fluctuation by traffic engineering professionals.

**Response to Comment N3-41:**

The commenter makes global generalizations about the validity of "projections" but does not identify specifics (e.g., trip generation, "modeling", analysis results, mitigation measures, etc.). While the study was initiated in 2002/2003, LLG and the Project team worked steadily on the analysis and mitigation measures throughout the duration of the study, which was completed in 2006. The study states the dates of perishable elements, such as traffic counts, and the study also states approach taken to derive future traffic projections. The baseline is established at the time of the NOP. Again, the approach of the traffic study was very conservative, and LLG is confident that, if anything, the resulting impacts are overstated rather than understated.

**Response to Comment N3-42:**

As the commenter states, the Sycamore Landfill is a regional facility. Not stated is that the Project is situated immediately adjacent to the regional-serving State Route 52 and its interchange. Not surprisingly, the vast majority of traffic to/from the facility would be via the adjacent State Route and interchange. The Project distribution is based on the applicant's projections of future waste haul routes. LLG does not believe that future increases in regional waste would somehow result in waste haulers' desire to use

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Response to Comment N3-42: (cont'd.)

surface streets east of the site rather than the adjacent SR-52 and interchange. Furthermore, the Project team discussed primary elements of the draft study, including the study area, with key City of Santee staff including the City Manager, the City Engineer and the City's on-call environmental consultants, and none of them ever expressed concerns that further arterials in the City should be examined. Finally, the regional SANTEC/ITE guidelines state that intersections should be considered for evaluation if the Project adds 50 or more peak hour directional trips. A review of the Project traffic at the study area's easterly-most intersection (Mast Boulevard/Cuyamaca Street) shows that less than 50 peak hour trips are forecasted, indicating that the study area is indeed sufficient.

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trip generation to and from the landfill site by nearly 350 percent over the counted levels in the five-year old traffic study, it is difficult to comprehend how such a small "impact radius" could properly be set as the study area, especially in light of the fundamental regional significance and implications of the Project. The geographical scope of impacts analysis is inadequate because no evidence or rationale is given supporting the decision to limit analysis. (*Kings County Farm Bureau v City of Hanford at p. 724*).

4. Section 4.4.1.1 of the DEIR reports that 25 percent of existing landfill traffic uses surface streets, based on a single day of traffic counts at the landfill in January of 2003. However, the report then projects that only five percent of future landfill traffic will use surface streets. This is not justified based on the evidence presented and is inconsistent with the claims presented in Appendix D4 "Validation of 2003 Peak Hour Volumes" which concludes that traffic volumes and patterns have not significantly changed. This assumption seems particularly self serving when increasing congestion on SR-52 would be expected to encourage more drivers to and from the landfill to seek relief on surface streets.

5. Appendix D1 states that "[f]or the purposes of the analysis, the existing distribution pattern was refined further by factors in future projections provided by Sycamore Landfill, which accounts for the increased business expected elsewhere in the City and County of San Diego." In effect then, the data used for the traffic analysis is based upon the project proponents own business plans, rather than third-party, objective data with underlying scientific or technical pinnings. This is completely inappropriate and represents little more than a black box system for determining of potential Project traffic impacts.

6. The DEIR bases the passenger car equivalence (PCE) factor on the existing truck size. This is misleading given the project's anticipated growth - growth which assumes closure of other county landfills. The PCE factor should reflect the assumed future truck mix and be consistent with the tonnage capacity.

7. The DEIR's PCE factor of 2.0 is too low because it includes non-ticketed vehicles. Including these vehicles yields a PCE of 1.8 which makes an assumption of 2.0 seem conservative, but their exclusion yields a PCE of 2.42—warranting a PCE of 2.5 or greater. A more conservative analysis would have used a PCE of 2.75 or 3.0 and would have not assumed a linear increase over existing driveway counts, as found on page 16 of Appendix D1, since the number of employees and passenger cars apparently are not assumed to increase with increased daily tonnage capacity. This failure to account for additional future impacts and the gross underestimation of the PCE figure limit the potential for accurately determining the Project's traffic impacts.

8. Each of Mitigation Measures 4.4.1, 4.4.2, 4.4.3, 4.4.4 and 4.4.5 are based on average daily traffic volumes without conversion to an appropriate PCE value. As a result, while the traffic impact analyses were based on a conversion of refuse truck trips to passenger car equivalents — purportedly in order to measure more accurately what the actual impacts could be — mitigation appears to be proposed on a one truck equals one car basis (a PCE of 1.0) which

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Response to Comment N3-43:

A number of factors went into the traffic consultants' determination of the percentage of landfill traffic predicted to use surface streets versus SR-52. Looking at the demographics of the region, only residential and commercial collection trucks currently use surface streets to access a landfill. Appendix D4 "Validation of 2003 Peak Hour Volumes" indicates that the current percentage using surface streets has not changed, because wastes continue to come to the landfill from the same demographic area that has been bringing waste to SLI in the past. Upon the closure of Miramar Landfill, however, all of the waste that had been received at Miramar Landfill to the west would shift to Sycamore Landfill, unless Gregory Canyon Landfill has opened. Even when Gregory Canyon Landfill opens, the region still depends on the expansion of the Sycamore Landfill to meet its capacity needs. It is clear that a vast majority of the vehicles that are currently going to Miramar would travel SR-52 from the west to the east to Sycamore Landfill to dispose of their wastes. Therefore, the volume of wastes received from the surrounding areas was not increased at the same rate as the volumes of wastes received in the future from areas further away. The only significant unmitigated impact for traffic in the EIR is the increased traffic volume on SR-52. It would therefore seem contradictory to assume that by placing increased volume on SR-52 would be "particularly self-serving." Waste traveling from great distances to get to the landfill would not take surface streets, but would attempt to time shift their travel to avoid peak periods. Mitigation measure 4.4.5d attempts to accomplish such time shifting.

Response to Comment N3-44:

There is no manual for distribution of landfill traffic. Traffic distribution was based on actual counts of existing landfill operations, reasonably foreseeable changes to disposal options, e.g., closure of Miramar Landfill, and sources of waste volume, e.g., use of transfer stations and surrounding communities, and input from the Applicant. This information was compiled by the professional traffic engineering firm of Linscott, Law & Greenspan (LLG), and reviewed and approved by the traffic engineers at the City of San Diego, with input from the City of Santee. See also Response to Comment N3-43 above.

SLI is operating an existing business, and maintains detailed records of its historic business profiles, its existing customers, and its anticipated operations, all of which help ensure the accuracy of the data.

Response to Comment N3-45:

The EIR assumes the future truck mix. The passenger car equivalent (PCE) used is conservative. See Appendix E of Appendix D1 for evidence demonstrating the appropriateness of using a PCE of 2.0.

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**Response to Comment N3-46:**

As described in the EIR in section 4.4.1.2 G. Methodology, applying a PCE to passenger cars means that for each passenger car included in the base traffic count, two cars were considered for analysis. In other words the entire number of actual expected vehicles, whether passenger cars or trucks, was multiplied by 2.0 to take into account the slower-moving trucks. Contrary to what the commenter implies, the EIR did use a linear increase of passenger cars and other delivery vehicles over existing driveway counts, and it is in fact more conservative since it assumes the total number of vehicles increases proportionally to the number of waste trucks, which is not anticipated to happen. It therefore overestimates total vehicles, which are also multiplied by the PCE of 2.0.

As stated in the EIR, recent studies within San Diego County for the Gregory Canyon Landfill and the Miramar Landfill used PCE adjustments of 1.5 and 2.0 respectively. Using a PCE of 2.0 for this Project is reasonable and consistent with industry practice.

LLG believes that using a linear approach (as opposed to a "fleet-mix" or "fleet-specific" approach) produces a gross overestimation of traffic, since all trips are increased linearly with tonnage, and all trips are "penalized" with a PCE factor.

**Response to Comment N3-47:**

The mitigation is correct. The mitigation measures are triggered by tickets, which account for the vast majority of heavy truck trips to and from the landfill. ADT is also included to catch lighter vehicles. PCE was used in the analysis to identify the triggers.

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has the effect of appreciably reducing mitigation specifications and the associated mitigation improvement costs.

9. DEIR Section 4.4.1.1 attempts to describe the "ticket" traffic count methodology, but it is difficult to comprehend and likely to produce significant error given that the waste delivery vehicles range greatly in size, speed, and quantity. The use of a PCE is practicable when the majority of transit can be expected to be of single vehicle type which has no formal traffic guidelines imposed upon its usage. In this instance, however, a more precise methodology should be employed, such as a limit on axles. The axle count can be done simply, by SLI employees, and takes no more time than the granting of a ticket, all the while providing a better analysis of the actual usage of the site.

10. Appendix D3 states that 431 tickets were pulled on January 9th, 2003, and a total of 3,962 tons of waste was delivered, for an average of 9.19 tons of all waste delivered per vehicle. However, the traffic study uses a factor of eight (8.0) tons of municipal solid waste (MSW) per vehicle. Assuming that the 431 tickets identified on January 9th, 2003 were also only carrying MSW, that is, vehicles carrying no greens and C&D materials, as is mentioned elsewhere in the DEIR, then only 3,190 tons were brought in by the 431 tickets, at a rate of 7.4 tons per vehicle. If so, why does the DEIR dilute the proposal's trip generation potential by using a factor of 8.0 tons per vehicle rather than the 7.4 tons per vehicle actually monitored five years ago?

11. It is uncertain whether the proposed limit of 13,000 tons of daily in-flow includes greens and C&D materials or whether the real project includes 13,000 tons per day of MSW plus an additional 3,500 tons per day of greens and C&D material, as well 300 loads of aggregate extraction export. If the latter scenario is true, then the DEIR should - but does not - analyze it.

12. Appendix D3 claims that 30 percent (129) of the 431 ticket-pulling vehicles carried greens material (though no evidence of data supporting this number is provided) and suggests that the number of vehicles carrying greens material would increase at a rate of 3.0 percent per year (again, no actual statistical data is provided for this assumption, so it is difficult to determine whether this prediction is conservative or speculative). Based upon the DEIR figures, if on January 9, 2003, 129 vehicles hauled in 626 tons of greens material this comes to an average of 4.84 tons per vehicle. Next, assuming the 129 vehicles increase at a rate of 3.0 percent per year and still carry 4.84 tons per vehicle of greens, only about 663 tons of greens material should be expected in 2005, not the 946 tons presented in Appendix D3. This needs to be revised to show data which supports the assumptions made and to correct for mathematical errors which create the appearance that nearly 50% of additional storage capacity is necessary to accommodate disposal of greens material.

13. DEIR §4.4.1.2 makes very aggressive future roadway improvement assumptions, including significant mainline freeway and meter rate improvements. Needless to say, if the cited improvements do not get constructed by the time this proposal is implemented, very different resulting traffic congestion conditions from those forecast in the DEIR will result. Those conditions have not been disclosed by the DEIR, and yet, as the Project is worded in the

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N3-49

N3-50

N3-51

N3-52

RESPONSES TO COMMENT LETTER RECEIVED FROM LOUNSBERY, FERGUSON, ALTONA, & PEAK, LLP, ATTORNEYS AT LAW, SIGNED BY FELIX M. TINKOV, ESQ., JOHN W WITT, ESQ., KEN H. LOUNSBERY, ESQ., DATED APRIL 6, 2008 (LETTER N3) (continued)

## Response to Comment N3-48:

EIR Section 4.4.1.2 describes the concept of tickets. Table 3.2-4 shows the total number of tickets that would be issued in column 14. Because the Applicant is required to track and report tickets, tickets are an effective way to monitor for mitigation requirements.

## Response to Comment N3-49:

As indicated by the commenter and as shown in Appendix D3 Table 1, 3962 tons of material were accepted on January 9, 2003, including 3,190 tons of municipal solid waste (MSW), 626 tons of greens and 146 tons of C&D materials for disposal in the landfill. The total tickets amounted to 431 that day, which yields an average rate of 9.19 tons per vehicle, as the commenter noted. The raw data in EIR Appendix D2, Appendix E, Attachment A titled "Ticket Type Summary" for January 9, 2003 shows that of the 431 tickets that day, 130 were green material loads and 21 were C&D material for a total of 151 non-MSW tickets. The remaining trips were MSW vehicles which amount to 431 total - 130 greens - 21 C&D = 280 tickets of MSW. The average weight per MSW load was therefore 3,190 tons/280 vehicles = 11.4 tons per vehicle. The traffic analysis and EIR use a factor of 8 tons per vehicle which is conservative, since it results in projections of more vehicles (hence more truck trips) than would an analysis using nine tons per vehicle for the combined waste received or for the MSW vehicles.

## Response to Comment N3-50:

Table 3.2-3 in the Project Description in Chapter 3 indicates that the proposed limit of 13,000 tons per day is for MSW only and that with other recyclables added, the total is 16,700 tons per day. The traffic study includes and analyzes these ancillary recyclable materials in addition to the MSW as part of its analysis.

## Response to Comment N3-51:

Evidence of the number of greens vehicles is found in Attachment A in Appendix D2. The footnote on page 3-31 of the EIR indicates that, in accordance with the CIWMB Siting Element, the annual increase of disposal demand in the County would increase at approximately 2.9% per year. A similar 3% factor was used for recycling.

## Response to Comment N3-52:

The traffic study makes reasonable assumptions of future network improvements for various future year scenarios, many of which are mitigation measures of the Project that occur in the preceding development phase. The City of San Diego has provided specific direction as to what improvements should be considered for the interim and future scenarios and requires the improvements to be minimally assured.

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RESPONSES TO COMMENT LETTER RECEIVED FROM LOUNSBERY, FERGUSON, ALTONA, & PEAK, LLP, ATTORNEYS AT LAW, SIGNED BY FELIX M. TINKOV, ESQ., JOHN W WITT, ESQ., KEN H. LOUNSBERY, ESQ., DATED APRIL 6, 2008 (LETTER N3) (continued)

Response to Comment N3-52: (cont'd.)

The Caltrans freeway improvements are based on estimates published on the Caltrans and SANDAG websites. The future increases in ramp meter rates are based on existing traffic demand, which the standard of practice in the region. The on-ramp queue referenced in Table 4.4-13 (EIR Section 4.4.2.2 E) is a computer-generated estimate with an associated delay of less than 10 minutes. Delays of less than 10 minutes would be less than significant. Nevertheless, long-term impacts until closure would be significant and unmitigable.

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DEIR, it would proceed regardless (for instance, the improvement of SR-52 need not be completed, but rather that the City Engineer be satisfied that the SR-52 improvement has been approved by Caltrans in order to allow the Project to expand further. Given that Caltrans project can run upwards of 5-10 years for major improvements, there must be a full analysis of the potential impacts of the expansion prior to the completion of the improvements). No Project approval for expansion should be granted before the necessary infrastructure is in place in order to fully mitigate impacts. According to the DEIR itself, failure to do so could result in vehicle queues running over a mile long.

14. Mitigation Measure 4.4.5a states that the freeway improvements shall be assured to the City Engineer's satisfaction "[p]rior to landfill expansion to 2,150 tickets..." The traffic study is based on maximum landfill trip generation of 1,925 tickets in 2025 including 300 aggregate trucks. Expansion of the landfill to 2,150 tickets has not been analyzed in the DEIR and is not a part of the Project Description.

15. Impacts 4.4.3 and 4.4.5 assume meter rates of approximately 2,400 for the Mast Boulevard on-ramp to the westbound SR-52, despite the freeway operating at LOS F(3) conditions, which is inconsistent with freeways operating at such high levels of congestion. Without evidence pointing to a meter rate of 2,400, it appears that the assumption is unjustifiable.

16. In Section 4.4.2.4, the DEIR refers to a Table 3.2-5 which is not attached. If the reference was intended to have been made to Table 3.2-4, it should be noted that there is an inconsistency within that table as it forecasts 113 vehicles bringing in the greens material in 2010 which is less than the 130 vehicles claimed to be carrying this material currently (in other words, the figure does not take into account the growth rate of 3 percent per year as claimed on page 4.4-5). Furthermore, this number assumes that 113 vehicles will carry 1,713 tons of greens material, which would be the equivalent of 15.16 tons per vehicle—much greater than the assumed capacity of 8.0 tons per vehicle.

Biology Impacts:

1. Several of the biotic surveys found in the Biological Resources review (Section 4.3 of the DEIR) were performed in 2000-2003 with little or no update to represent present day conditions.

2. At page 4.3-1, the DEIR states that it is using biological conditions extant in 2000 as its "existing conditions" baseline for purposes of evaluating project-related biology impacts. According to the DEIR, SLI has taken this approach because the 2003 Cedar Fire destroyed much of the then-existing habitat and not enough time has past for the natural habitat matrix to grow back. The DEIR then goes on to state: "If the habitat composition has changed since the 2003 Cedar Fire, it is likely that native habitat, that was intact prior to the fire, has since been converted to non-native grassland, or is now dominated by other non-native species." While we agree there is some benefit in referring to pre-fire site conditions for purposes of anticipating

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N3-54

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N3-57

RESPONSES TO COMMENT LETTER RECEIVED FROM LOUNSBERY, FERGUSON, ALTONA, & PEAK, LLP, ATTORNEYS AT LAW, SIGNED BY FELIX M. TINKOV, ESQ., JOHN W WITT, ESQ., KEN H. LOUNSBERY, ESQ., DATED APRIL 6, 2008 (LETTER N3) (continued)

Response to Comment N3-53:

Section 4.4.1.2 E and Appendix D3 of the EIR state that aggregate trucks are assumed to cease operation in year 2020. Therefore, the 300 aggregate truck tickets do not count against the year 2025 landfill trip generation, since their operation would have ceased upon the completion of extraction of aggregate from the base of the facility.

Response to Comment N3-54:

LLG used the prevailing standard of practice to determine ramp meter flow-rates, described in detail in Section 8.3 of the Traffic Impact Analysis. The flow-rate was established based on opening day volume, taken from Figure 10-2 (Year 2010 volumes). These volumes include "permitted" Sycamore Landfill traffic volumes (620 tickets' worth of traffic), to which a PCE of 2.0 is applied, resulting in the approximately 2,400 peak trips shown.

It could be argued that the effect of PCE is minimal in the context of a ramp meter analysis, since the cumbersome operational characteristics of the heavy vehicles that the PCE attempts to quantify are not as pronounced as when heavy vehicles are accelerating or decelerating to/from free-flow speeds, or negotiating freeway grades – vehicle operations that the PCE was originally developed to help represent.

Thus, if PCE has a negligible effect given the already slow movement of traffic through a ramp meter, then the flow-rates used would be lower (taking out PCE), and the volumes analyzed would also be lower (again taking out PCE). Conversely, if PCE-volumes are to be analyzed, PCE-affected flow rates also should be used.

Response to Comment N3-54: (cont'd.)

Ultimately, significance is based on delay, with a 15-minute threshold. The analysis in question showed an 8-minute delay calculation, which is 53% of the total capacity available within that 15-minute envelope. This delay component (not the queue) is why no significant cumulative impacts were calculated.

Response to Comment N3-55:

The commenter is correct that the reference should be to Table 3.2-4. The base value for greens intake at Project approval would be 650 tons per day, very similar to the commenter's value of 663 tons per day. With application of a 3% growth rate per year, projections for greens in 2028 was calculated at 1,246 tons per day, as shown in Table 3.2-3. Projected growth is related to the daily tonnage, not the number of vehicles. See also Response to Comment N3-51. Regarding the weight of greens per vehicle, the

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**Response to Comment N3-55: (cont'd.)**

commenter's statement concerning 113 vehicles in 2010 carrying 732 tons of greens (as shown in Table 3.2-3), that tonnage would result in 6.5 tons per vehicle, not 15.16.

**Response to Comment N3-56:**

See Response to Comment N2-1. The EIR acknowledges the presence of protected species on-site, and includes data relevant to the existing conditions present on-site at the time the NOP was published. Compliance with the legally required provisions of the Migratory Bird Treaty Act were recognized as mandatory (EIR Section 4.3.4.2 A) and such compliance would avoid significant impacts to all migratory birds, whether known on-site or not (EIR Section 4.3.4.3 A). No further mitigation is required.

**Response to Comment N3-57:**

See Response to Comment N2-1.

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what will eventually grow back in the impact area if the project were not implemented, we disagree that the City and SLI have no obligation to survey the site currently and provide a full, accurate description of biological conditions at the site as they exist today. In the absence of an up-to-date survey of existing habitat and species, there is no guarantee that the DEIR has adequately identified all sensitive plants and animals that may be affected by the project. Nor is there any way to confirm the very speculative statement that natural habitat in the burn areas have been colonized by non-native species. Given that biology surveys are routine for this kind of project, and given that no such survey has been conducted at the site in more than four years (*i.e.*, prior to the Cedar Fire), the City should have required a new survey as part of this DEIR. Failing to do so renders the document inadequate under CEQA. What the DEIR assumes are "existing conditions" are simply not "existing conditions."

3. As indicated above, many of the technical studies used on which the EIR relies were performed more than four years ago. The biology section, for example, is based site surveys conducted by Merkel & Associates in 2001 and additional survey conducted by RECON in August 2003. RECON did perform two surveys in 2005, but these were done solely to update data on the Quino Checkerspot Butterfly. The decision not to perform a new and complete biological resource survey of the site is all the more remarkable in light of the Cedar Fire of October 2003, which burned large areas of the subject property. Although most scientists expect that the pre-fire resources will return, there is also the possibility that new plants and habitat matrices – including some that require the heat of wildfires to generate – have sprouted up, thus adding new species to the palette. Without an updated, comprehensive survey, there is no way to know if this has occurred. Nor can one determine if the proposed project will adversely affect these potentially sensitive, but previously-unreported, species.

4. At the top of page 4.3-6, the DEIR states that "[m]ost of the native vegetation within and immediately adjacent to Sycamore Landfill was burned during the Cedar Fire in October 2003. Table 3.4-1, however, indicates that only 17.8 acres of the landfill's land area (totaling 652.5 acres) constitute "burn area." These statements seem in conflict. If they can be reconciled, this should be explained clearly in the DEIR.

5. In the second paragraph of page 4.3-6, the DEIR indicates that coastal sage scrub, chaparral, and riparian communities have already begun to recover in the areas burned in the 2003 Cedar fire, and that within the landfill area, native western sycamore and laurel sumac have likewise resprouted in the fire impact zone. These data tend to rebut the EIR's earlier statement, set forth on page 4.3-1, that habitat in the burn areas "likely" has been converted to non-native species. Such contradictory statements leave the reader (1) confused and (2) less than confident that the information in the DEIR is accurate.

6. On page 4.3-15, the DEIR indicates that the Merkel field survey, conducted in 2001, identified only three sensitive species on-site: the coastal California gnatcatcher (*Polioptila californica*), the grasshopper sparrow (*Ammodramus saviannarum perpallidus*), and the western spadefoot toad (*Scaphiopus hammondi*). This statement, however, misrepresents the Merkel survey and grossly underreports the many sensitive species observed by Merkel during

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N3-60

RESPONSES TO COMMENT LETTER RECEIVED FROM LOUNSBERRY, FERGUSON, ALTONA, & PEAK, LLP, ATTORNEYS AT LAW, SIGNED BY FELIX M. TINKOV, ESQ., JOHN W WITT, ESQ., KEN H. LOUNSBERRY, ESQ., DATED APRIL 6, 2008 (LETTER N3) (continued)

Response to Comment N3-57a:

See Response to Comment N2-1.

Response to Comment N3-58:

There is no discrepancy; the entire site, except for graded areas, was burned in October 2003. The "burn area" shown in EIR Table 4.3-1, Section 4.3.1.1, represents the area classified by RECON in the 2003 survey, which had been burned in a previous fire that occurred several years before the Cedar Fire. (See Biological Technical Report, Appendix C1, Introduction, and Existing Conditions, Section B.4.)

Response to Comment N3-59:

The EIR and the biological report are conservative in assuming that the habitats that were present on the site prior to October 2003 would recover, and mitigation is proposed on that basis for areas that would be disturbed by the Project. The text in EIR Section 4.3 does not say that the habitat composition has changed; it says "if" the habitat composition has changed, it would have changed in a particular way. If an area is burned multiple times with little recovery time between fires, the former habitat type may convert to non-native grassland.

Response to Comment N3-60:

Merkel & Associates (2001) observed 15 sensitive species in the Project area, although some of them were observed outside of the current landfill Project limits. The EIR text is correct: the Merkel 2001 study identified only three sensitive species within areas proposed to be disturbed by the Project. The results are plotted in Figure 4.3-3, prepared by RECON. Species observed by Merkel & Associates that fall within the areas proposed to be disturbed by the landfill or ancillary facilities (orange hatched areas) are the Coastal California gnatcatcher, the Southern California Rufous-crowned sparrow, and the grasshopper sparrow. As for the western spadefoot toad, please see Response to Comment F2-11.

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its site visits in 2000 and 2001. According to RECON's Biological Technical Report (Appendix C-1, Attachment 5), Merkel observed the following *fifteen* sensitive wildlife species on-site:

- Western spadefoot toad
- Orange-throated whiptail
- San Diego horned lizard
- Red diamond rattlesnake
- Two-striped garter snake
- White-tailed kite
- Cooper's hawk
- California horned lark
- Loggerhead shrike
- Coastal California gnatcatcher
- Bell's sage sparrow
- Southern California rufous-crowned sparrow
- Grasshopper sparrow
- San Diego black-tailed jackrabbit
- Southern mule deer

Each of these fifteen species meets the DEIR's definition of "sensitive" – yet the EIR indicates that Merkel only observed three "sensitive" species on the property, which is patently false. As a result, the public has been misinformed about the number and type of sensitive species that inhabit the project site and could be adversely affected by the proposed landfill expansion.

7. According to the Biological Technical Report, neither Merkel nor RECON conducted focused surveys for any wildlife species other than the California gnatcatcher and the Quino Checkerspot butterfly. Given the wide array of other sensitive reptile, amphibian, and avian species that have been observed at the site or have the potential to use or reside at the site, additional focused studies were warranted and should have been conducted. They were not; and as a result, the biological data is incomplete.

8. Of the hundreds of bird species in California, only thirteen have been assigned "Fully Protected" status under California Fish & Game Code section 3511. No permits or licenses may be issued to "take" any of these birds. As a result, the birds enjoy a level of protection higher than that accorded species on the state and federal threatened and endangered lists. One of the thirteen Fully Protected birds is the white-tailed kite (*Elanus leucurus*), a pair of which has been observed at the project site since at least 2001. On the basis of this observation, one would have expected SLI to have (1) identified where the pair of white-tailed kites had been observed, including where they had nested, (2) conducted a focused survey for the species to determine if others were in residence, (3) disclosed whether the proposed project would or would not affect the kites or their nest(s), and (4) identified the precise mitigation measures, if any, that

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RESPONSES TO COMMENT LETTER RECEIVED FROM LOUNSBERY, FERGUSON, ALTONA, & PEAK, LLP, ATTORNEYS AT LAW, SIGNED BY FELIX M. TINKOV, ESQ., JOHN W WITT, ESQ., KEN H. LOUNSBERY, ESQ., DATED APRIL 6, 2008 (LETTER N3) (continued)

Response to Comment N3-61:

Surveys were conducted in accordance with the City's Guidelines for Conducting Biological Surveys, Table 1 (2002) (Biological Survey Guidelines). Focused surveys are only required for listed, narrow endemics, and as required by MSCP conditions of coverage. Of the species observed onsite, it was determined that focused surveys for the California gnatcatcher and Quino Checkerspot Butterfly were required in accordance with Table 1 of the City's Biological Guidelines. Fieldwork for other sensitive species was conducted as part of the general surveys.

Response to Comment N3-62:

The comment correctly notes that the white-tailed kite is a California Fully Protected Species and it thus is unlawful to take or possess one at any time, except in special circumstances. In addition, the City considers birds of prey (raptors) as sensitive avian species and mitigation is required if Project construction occurs during the raptor breeding season (February 1-September 15). For these reasons, and according to the City regulations, a preconstruction meeting is required prior to issuance of any grading permits and a qualified biologist must survey for any raptors' nests – including the White-tailed kite – to ensure that any such nests within 500 feet of either landfill or ancillary facilities to be constructed during the nesting season would be protected. In addition, if a site has a potential to support nests and nesting raptors and such nests and/or nesting raptors are present during landfill or ancillary facility construction, compliance with the Migratory Bird Treaty Act/Section 3503 is required and would preclude any potential for direct impacts to any raptors, including the White-tailed kite (MM 4.3.6).

"Take" under California Fish & Game Code Section 3511 means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. The applicant is not proposing to hunt, pursue, catch, capture, or kill, or to attempt to hunt, pursue, catch, capture, or kill any migratory bird. As is done throughout the State of California, the applicant would remove vegetation during non-nesting season, or, if a biologist documents that there are no active nests, within the area planned for disturbance as required for compliance with the federal Migratory Bird Treaty Act (EIR Section 4.3.4.2). This would protect any eggs or immature birds that are incapable of flying away from the area to be impacted. Vegetation removal for this Project would be accomplished as it is for other Projects in the State of California using large, noisy mechanized vehicles. Birds flush away from such vehicles long before there is any potential for harm. By avoiding vegetation clearing during the nesting season and/or surveying for and subsequently protecting active nests, the applicant would not be killing or attempting to kill any immature bird species. Because the mature birds would flush and fly away the applicant would not be killing or attempting to kill any mature bird species.

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would prevent such impacts from occurring.<sup>5</sup> Unfortunately, SLI did none of these things. The DEIR treats the white-tailed kite – arguably the most sensitive and protected species on site – as an afterthought, stating only that impacts to nesting Cooper's hawks and white-tailed kites "require special impact avoidance measures that are described in the Mitigation Measures section." (DEIR, p. 4.3-22). None of the mitigation measures, however, expressly addresses white-tailed kites or describes a process for avoiding impacts to the species. The only one that comes close is Mitigation Measure 4.3.6, which provides in pertinent part:

"A qualified biologist shall conduct a survey of Cooper's hawks or other raptors' nest to protect Cooper's hawks or other raptors within 300 feet of the proposed landfill or ancillary facilities to be constructed during the following nesting season, February 1 to September 15. If raptor nests are present, construction activities shall not occur within a 300-foot avoidance zone from each active nest site until fledglings are fully independent of the nest, as determined by the biologist." (DEIR, p. 4.3-32)<sup>6</sup>

This mitigation measure is inadequate to safeguard white-tailed kites in the manner required by their Fully Protected status. First, it does not prevent SLI from conducting construction activities outside the February 1 – September 15 timeframe that might injure kites or damage their nests. Second, it provides white-tailed kites no protection whatever from impacts associated with the operation of the expanded landfill. As a result, such impacts require a mandatory finding of significance. Failure to make such a finding is a violation of CEQA.

9. The proposed project will cause the loss of 4.72 acres of native grasslands (DEIR, p. 5-11), the very habitat that white-tailed kites use for forage. Despite this foreseeable impact on the kite, however, the DEIR neither discloses it nor analyzes it; and while the DEIR does recommend that the lost native grasslands be replaced as part of the ultimate closure of the landfill, this won't happen for 25 years. In the interim, the loss of bird forage area will remain unmitigated.

(Former comment 64 moved to 57a)

10. Figure 4.3-3 of the DEIR purports to depict where all sensitive plant and wildlife species have been observed on site. However, the list of wildlife species on the figure is incomplete. Under the heading "Merkel & Associates, Inc. (2001)," the figure identifies only 11 species, not the 15 that Merkel actually observed as noted in the Biological Technical Report (Appendix C-1, Attachment 5). Missing from the list are: the white-tailed kite, the California horned lark, the southern mule deer, and the Cooper's hawk.<sup>7</sup> As a result, the figure does not indicate where Merkel observed these species on the project site, so it is impossible to determine the extent to which they will be affected by project construction and/or operation.

<sup>5</sup> According to the EIR, White-tailed kites are "known to roost in large communal groups (RECON 2003)." (DEIR, p. 4.3-15) This suggests that more than one pair of kites may exist at the project site.

<sup>6</sup> A similar mitigation measure is proposed for the electrical transmission line relocation project. See, MM 4.3.8. (DEIR, p. 4.3-36)

<sup>7</sup> This same problem is repeated on Figure 4.3-4.

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RESPONSES TO COMMENT LETTER RECEIVED FROM LOUNSBERY, FERGUSON, ALTONA, & PEAK, LLP, ATTORNEYS AT LAW, SIGNED BY FELIX M. TINKOV, ESQ., JOHN W WITT, ESQ., KEN H. LOUNSBERY, ESQ., DATED APRIL 6, 2008 (LETTER N3) (continued)

## Response to Comment N3-62: (cont'd.)

Since the vehicles would be clearing vegetation they would not be hunting, pursuing, catching, or capturing and would not be attempting to hunt, pursue, catch, or capture any bird species. In addition, as previously mentioned, preconstruction surveys must be completed prior to the commencement of any work.

## Response to Comment N3-63:

The landfill perimeter road would be constructed early in the development of the Project. As described in EIR Section 5.3.3, and shown in Figure 4.1-5, at least 12 acres of native grassland species would be planted west of the perimeter road immediately following road construction. This new acreage would more than compensate for the loss of 4.72 acres of the habitat elsewhere on the site. As described in EIR Section 5.3.3, eventually more than 300 acres of native grassland species would be planted on the closed portions of the landfill. These actions are not shown as mitigation because they are being done for environmental control, and not mitigation, per se. However, it is anticipated that no long-term reduction in native grassland habitat as a result of the Project, and no long-term impacts to foraging areas of white-tailed kites would occur.

## Response to Comment N3-64:

Former Response to Comment N3-64 has been moved to become Response to Comment N3-57a.

## Response to Comment N3-65:

RECON utilized and built on the Merkel Associates report of 2001, and prepared EIR Figure 4.3-3 depicting locations of sensitive species. However, the Merkel report did not map specific locations for several of the wildlife species observed, including the white-tailed kite, the California horned lark, the southern mule deer, and the Cooper's hawk, as noted in the comment. The two-striped garter snake was also observed by Merkel personnel, but was not mapped, as demonstrated by the Merkel report Figure 6. None of these species except for the white-tailed kite were observed by RECON. It should be noted that the presence of these species is related to the habitat on-site, not the specific area in which the species was found. No nests were observed for the white-tailed kite or Cooper's hawk. Sensitivity is also based on nesting and the EIR contains mitigation measures to protect nesting of sensitive species.

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(cont'd.)

11. On page 4.3-17, the DEIR provides the following example of a "secondary change" in the environment which, in turn, causes an indirect impact on biological resources: "For example, the dust from heavy equipment that would result from grading for a sewage treatment plant could settle on nearby vegetation and interfere with photosynthetic processes...." Ironically, this DEIR never actually analyzes the very impact it uses as an example of how indirect impacts are created. Although the project will generate tremendous amounts of dust (measured as PM<sub>10</sub> and PM<sub>2.5</sub>), during both the construction phase and the operations phase, the DEIR fails to assess whether such dust will adversely affect sensitive vegetation on site. We recognize that the EIR takes the position that PM<sub>10</sub> and PM<sub>2.5</sub> levels will be mitigated to below State and Federal Air Quality Thresholds through watering; but, as discussed below, the DEIR assumes a 95% efficiency rate for this form of mitigation, while the South Coast Air Quality Management District – the presumptive experts on air emissions in southern California – has determined that such mitigation has only a 60% efficiency rate. Moreover, regardless of whether the dust is adequately mitigated as an *air quality* impact, this does not relieve the DEIR of its duty to assess dust as a *biology* impact.

12. On page 4.3-21, the DEIR describes impacts on variegated dudleya, including dudleya located outside the MHPA. As part of this description, the DEIR states that 12,225 of the affected dudleya plants were among those "previously avoided under provisions of PDP/SDP 40-0765 along the western side of the landfill site." In effect, then, the DEIR acknowledges – without stating explicitly – that SLI will no longer be complying with the mitigation measures it previously committed to when PDP/SDP-40-0765 was approved. However, the DEIR's biology discussion fails to explain the ramifications of this breach of SLI's permit conditions. Nor does the biology discussion make clear whether PDP/SDP-40-0765 and its mitigation conditions will be amended or superseded by this project. It is also important to know whether the 12,225 dudleya that will be removed with this project formed all or just a portion of the mitigation for the dudleya plants destroyed as part of PDP/SDP-40-0765. Likewise, it is important to know the total number of plants lost through implementation of PDP/SDP-040-0765. Without these two pieces of information, one cannot tell whether the mitigation proposed here is equal to or greater than that previously imposed or, on the other hand, constitutes a kind of "erosion" of plant numbers (i.e., with each new iteration of the project, the number of "mitigated" plants actually goes down). Unfortunately, the DEIR does not provide the data necessary for such a determination.

13. By adding the variegated dudleyas lost through Impact 4.3.2 (411) to those lost through Impact 4.3.3 (12,636), one gets a total loss figure of 13,047 dudleya plants, which the DEIR admits may be low because the site surveys were conducted late in the season. (DEIR, p. 4.3-21). To this figure, one must then add the 153 dudleya lost due to the transmission line relocation project, bringing the total to 13,200. Yet the DEIR provides a hopelessly confusing explanation of how impacts to these 13,200 variegated dudleya will be mitigated.

Specifically, MM 4.3.2 (which is combined with MM 4.3.3) states that landfill impacts on dudleya come to 12,636 (12,621 outside the MHPA and 15 in the MHPA), which completely misses the 411 affected dudleyas actually identified in Impact 4.3.2. Then the DEIR indicates that the loss of these 12,326 dudleya will be mitigated on parcel 366-080-29 according to the

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Response to Comment N3-66:

The EIR addresses dust control measures. These measures would be adequate to reduce impacts of dust on sensitive plant species.

Response to Comment N3-67:

SLI has fully complied with the permit conditions for PDP/SDP 40-0765, which avoided impacts to 12,225 dudleya. It was never the intent of PDP/SDP 40-0765 that these species be conserved, merely avoided. The EIR discloses the extent of impacts to dudleya expected if the Project is approved, and identifies a feasible mitigation program for mitigating such impacts. Mitigation for actual impacts to dudleya incurred under the PDP/SDP is reported in EIR Appendix C8a. Page 6 of EIR Appendix C4 identifies the number of dudleya impacted by PDP/SDP: 8,570.

Response to Comment N3-68:

The total number of variegated dudleya expected to incur impacts as a result of the Project is 12,636, as tallied in Table 4.3-2, including 12,225 plants previously avoided under MND 40-0765, and 396 plants elsewhere in APN 366-041-01 not impacted under MND 40-0765. All of these plants would be translocated to the dudleya mitigation parcel, APN 366-080-29. These would be supplemented by other plants grown from seed or cuttings, to ensure 70% survivorship (8,846), as described in EIR Appendix C8. It is anticipated that many more than the minimum number of plants would be translocated, as demonstrated in the planting program implemented for the 2002 MND, and reported in EIR Appendix C8a.

Response to Comment N3-69:

See Response to Comment N3-68.

Comment  
Letter N3  
(cont'd.)

translocation plan in DEIR Appendix C8. However, the DEIR fails to identify how many plants will actually be translocated. Instead, the DEIR describes RECON's translocation efforts from 2005, which were conducted as mitigation for impacts to dudleya caused by implementation of stages II, III, and IV the landfill – a different project than the one currently under review.

The DEIR goes on to state that a total of 20,000 dudleya have been planted at parcel 366-080-29 and that RECON intends to plant another 8,000 dudleya when conditions are wetter. Again, no part of this discussion appears to relate to mitigation for the variegated dudleya to be lost as part of the proposed project. Instead, it is a report on translocation efforts related to the stage II, III, and IV projects approved a number of years ago.

To make matters worse, the text of the DEIR does not jibe with the text of the technical appendices. For example, in the first paragraph on page 4.3-29, the DEIR states: "The approved Dudleya translocation plan calls for survivorship of 70% of the salvaged dudleya, or 8,400 compared to 28,000 plants planned to be planted." However, the translocation plan (Appendix C8) actually says something different. It calls for 70% survivorship of the 10,825 translocated individuals, which comes to 7,578 plants, not 8,400. This number is then trimmed again. According to the translocation plan, only 50% of the surviving translocated individuals must be mature flowering plants capable of reproduction. This drops the actual number of self-sustaining variegated dudleya to 3,789. The DEIR suggests that any shortfall in *salvaged* plants will be made up by installing *nursery-grown* seedlings, although the documents is rather confused on this point. The translocation plan, however, mentions seedlings only generally and provides no information as to how many will be planted as part of this project's mitigation strategy.

Ultimately, one leaves with the impression that project impacts on 13,047 variegated dudleya plants will not be mitigated on anything approaching a 1-to-1 ratio. If mitigation for Impacts 4.3.2 and 4.3.3 will be performed according to the methods and criteria set forth in RECON's translocation plan, the mitigation percentage is only 29% ( $3,789 \div 13,047$ ).

Of course, this mitigation percentage will improve by some measure, provided enough nursery-grown seedlings are planted at the mitigation parcel. As mentioned above, however, neither the DEIR nor the translocation plan indicates how many seedlings will be installed, so there is no way to know if the mitigation gap will be filled adequately.

The other major problem with the DEIR's approach to dudleya mitigation is that it provides only cryptic information as to the success rates of prior translocation efforts. While both the DEIR and the translocation plan state how many variegated dudleya have been planted at the mitigation parcel since 2005, they do not indicate how many dudleya plants (mature and non-mature) currently exist on the parcel. Nor does either document disclose how many of the original mitigation cohort (both salvaged plants and seedlings) have survived and are self-sustaining (*i.e.*, reproductive). The *circumstantial* data – which is all that has been provided – suggests that only small numbers of translocated dudleya have actually matured and survived for multiple years, and that their ranks must constantly be replenished with new seedlings grown in nurseries. If this is so, the project's entire dudleya mitigation strategy is suspect. The DEIR must disclose all information relevant to the prior translocation efforts; without such

N3-70

N3-71

N3-72

N3-73

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Response to Comment N3-70:

The status of dudleya translocation for MND 40-0765 is provided in this EIR as evidence of the feasibility of such translocation relative to the Project impacts.

Response to Comment N3-71:

The Dudleya Translocation Plan was prepared in 2006, when the estimated number of dudleya expected to be impacted was 10,825, and not updated when the EIR was completed. Based on updated information, that value would be changed from 10,825 to 12,636. The 70% and 50% criteria, previously approved by the Resource Agencies in the 2002 MND 40-0765, remains unchanged. Thus, the minimum number of surviving plants (70%) would be 8,845; and the minimum number of flowering plants would be 50% of that, or 4,423. In order to achieve this goal, the salvaged dudleya would be supplemented by plants propagated in the nursery from on-site seed stock.

Response to Comment N3-72:

Contrary to the commenter's assertion, and as demonstrated in the Dudleya Translocation Plan, EIR Appendix C8a, many more variegated dudleya would be planted and maintained than were impacted, in order to exceed the minimum values listed above.

Response to Comment N3-73:

The Dudleya Translocation Plan describes the success of a previous variegated dudleya translocation effort associated with the construction of SR-52 between the Sycamore Landfill and Mission Trails Regional Park. The most recent check of the translocated population showed that salvaged plants and recruited seedlings were still persisting after 10 years.

In September 2007, RECON prepared a progress report for the Dudleya translocation efforts at Sycamore Landfill (see Appendix C8a). The report describes the success of the planting of approximately 12,000 salvaged and propagated dudleya that were planted at the translocation site in January 2005. As concluded in the investigation, dudleya have grown and flowered each year even with below normal rainfall. Pollinators have been observed to focus on the large patches of flowering dudleya ensuring good seed set.

Thousands of seedlings have been observed around the mature plants and these plants would add to the total population at the translocation site. A total of approximately 13,368 dudleya were growing at the translocation site during 2007.